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1992-

AGENDAS AND MINUTES
OF THE PLANNING AND
DEVELOPMENT

October 21, 1992-

URBAN/MUNICIPAL

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1992 October 14

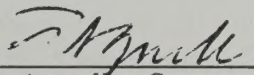
NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1992 October 21

9:30 o'clock a.m.

Room 233, City Hall



Tina Agnello, Secretary
Planning and Development Committee

A G E N D A:

1. **CONSENT AGENDA**

2. **BUILDING COMMISSIONER**

- (a) Provincial Governments Policy Paper on apartments in Homes (previously tabled)
- (b) City of London's position regarding apartments in homes policy

10:00 O'CLOCK A.M.

3. **ALDERMAN T. COOKE**

Hill Street Group/Foster Homes

4. **ALDERMAN D. AGOSTINO AND ALDERMAN F. EISENBERGER: WARD 5**

Beach Advisory Committee

5. **DIRECTOR OF PROPERTY**

Hamilton Rail Station Commuter Parking - Go Transit Strachan Street East - Lease Renewal

ZONING APPLICATIONS AND PUBLIC MEETINGS

10:30 O'CLOCK A.M.

6. City Initiative 92-F, for a modification to the "C" District regulations for Blocks "1" and "2" and for a further modification to the "D" District regulations for Block "3", for properties located at Nos. 15, 19, 20 and 24 Bosna Court and Nos. 39, 43, 47 and 51 Algonquin Court; Lisgar Neighbourhood
7. Zoning Application 92-35, Peter Esposto, owner, for a change in zoning from "C" District to "G-3" District for property located at No. 9 Brantdale Avenue; Southam Neighbourhood
8. Zoning Application 92-32, E. and T. Schoenholz, owners, for a modification to the "C" District regulations for property located at No. 719 Knox Avenue; Parkview West Neighbourhood

10:45 O'CLOCK A.M.

9. Revised City Initiative 91-E, for a modification to the "A" District Regulations, for Mohawk Sports Park located between Mohawk Road East and Limeridge Road East and east of Upper Kenilworth Avenue; Upper King's Forest Neighbourhood

10. Amended Zoning Application 92-17, Mr. Chin Shee Shing and Mrs. Chin Nor Fai, owners, for a modification to the "M-13" District regulations, for property located at Nos. 1123, 1131 and 1135 Stone Church Road East; Trenholm Neighbourhood (previously tabled - not a public meeting)

11. **OTHER BUSINESS**

12. **ADJOURNMENT**

OUTSTANDING LIST

PLANNING AND DEVELOPMENT COMMITTEE

<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
Mobile Signs		Planning	Report Pending
C.I.90-F - Parking requirements in the Central Business District	1990 July 25	Planning	Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee and report back
Site Plan Enforcement Procedures	1991 Jan. 23	Building, Regional Engineering, Planning	Report back on alternative proposals
C.I. - Mohawk Sports Park & Bernie Arbour Stadium	1991 May 22	Planning	To be processed
Conditions of conversions - separate utility controls	1991 June 19	Building	Report pending
ZA 91-43 - 145 MacNab Street North	1991 October 23	Planning	a neighbourhood Tabled to resolve design issues and height of building.
Site Plan Control Application DA-91-50 - 45 Hempstead Drive	1992 January 8	Planning	Tabled - Applicant directed to proceed through Committee of Adjustment
Grading Requirements	1992 February 19	Roads Department	Report Pending
Roof Water Connections	1992 March 25	Building	Report Pending
11-13 Holmes Avenue 19th century log home	1992 June 24	Planning	Report pending
ZA-91-12 25 Hess Street South	1992 June 24	Applicant	Tabled for negotiations btwn. parties

<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>S T A T U S</u> between parties
ZA-92-03 212 James Street South	1992 June 24	Applicant Harper Brothers Holdings	Tabled to submit amended application
ZA-92-22 860 Upper Wentworth Street	1992 July 22	Applicant R. P. Estrabillo	Tabled to resolve neighbours concerns
ZA-92-17 1123, 1131 and 1135 Stone Church Road East	1992 August 19	Alderman Charters	Tabled for ward aldermen to get public input
ZA-92-19 412 Charlton Avenue West	1992 September 23	Traffic	Tabled for review of traffic conditions
ZA-92-08 1907 King Street East	1992 September 23	Applicant Faith Evangelical Lutheran Church	Tabled to resolve neighbours concerns
Zoning Verification/ Property Reports	1992 September 23	Building	Report to Committee on time required for requests and fees
Consultant for Go Transit Centre	1992 September 23	Planning	Planning staff to prepare terms of reference and estimated costs

1992 October 14

PLANNING AND DEVELOPMENT COMMITTEE

WEDNESDAY, 1992 OCTOBER 21

CONSENT AGENDA

A. ADOPTION OF THE MINUTES

Minutes of the meeting held 1992 October 07.

B. SENIOR DIRECTOR, ROADS DEPARTMENT

Claudette Gardens - Phase 1
Cash-in-lieu of 5% Parkland Dedication

C. DIRECTOR OF PUBLIC WORKS

- (a) International Village Business Improvement Area - Expansion of Boundaries
- (b) Commercial Improvement Programme - Paving Alleyways: Westdale and International Village Business Improvement Areas
- (c) P.R.I.D.E. Program Provincial Allocation (Report to follow)

D. BUILDING COMMISSIONER

- (a) Commercial Facade Loan Programme
303-307 King Street East
- (b) Demolition Permit - 91 Webster Road

E. COMMISSIONER OF PLANNING AND DEVELOPMENT

- (a) Proposed Draft Plan of Condominium - south of Stone Church Road East on the east side of Upper Ottawa Street
- (b) Part Lot Control, Lots 1 to 20, Registered Plan 62-M-715 - Rymal Square Estates, Phase II (Report to follow)

F. **INFORMATION REPORT: COMMISSIONER
OF PLANNING AND DEVELOPMENT**

Site Plan Control Application - DA-92-23: 595 Rymal Road East

A.

Wednesday, 1992 October 07
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman D. Drury, Chairperson
Alderman F. Eisenberger, Vice-Chairperson
Mayor R. Morrow
Alderman M. Kiss
Alderman W. McCulloch
Alderman D. Wilson
Alderman B. Charters
Alderman F. D'Amico

Regrets: Alderman H. Merling

Also present: P. Mallard, Planning Department
J. Hickey-Evans, Planning Department
K. Extance, Planning Department
V. Grupe, Planning Department
N. Chapple, Planning Department
J. McNeilly, Public Works Department
J. Robinson, Housing Department
G. Aston, Transportation/Environmental Services
E. Chajka, Transportation/Environmental Services
P. Lampman, Building Department
D. Powers, Law Department
D. Vyce, Property Department
M. Watson, Property Department
T. Agnello, Secretary

1. **PUBLIC MEETING**

- (a) **CI-91-G for general text amendments to Zoning By-law No. 6593 to implement the recommendations of the "Housing Intensification Strategy" as adopted by City Council on 1992 June 25**

Ms. Hickey-Evans explained that in 1992 June, the City adopted a Housing Intensification strategy as per provincial policy. She highlighted changes which will occur as a result of implementation of the strategy.

- The 1940 limitation requirement for square footage will be removed, therefore, houses in low density areas can convert up to one unit
- The conversion of single family detached dwelling will be permitted in areas to a maximum of two units
- To limit the conversion of two dwelling units in the "D" district which allows for more consistency across the city
- To increase the supply of residential units by conversion with parking requirements as a condition

- To limit the parking area in the front yard to 50% paved area only.
If conversion already exists then front yard landscaping will be required

David Beland of the Citizen for Citizens Action Group was present to review a report from his group regarding front yard parking requirements for conversion, which was distributed to Committee members

Mr. Beland suggested that the streetscape not be altered. He suggested that pre-1971 homes use side drives for parking instead of the front yard, and if side parking is not available, conversions should not be permitted.

Ms. Hickey-Evans advised that many homes will not be permitted to have conversions if side parking only is permitted. The policy is a compromise to allow 50% front yard parking instead of 100% in the front yard.

Allan Wittle of the Housing Help Centre at 146 Stinson Street commended the City on its initiative. He was concerned with the square footage restriction and the fact that these policies will not be consistent in all area municipalities.

Michaelene Galan of 78 Gage Avenue South suggested that boulevard parking should not be based on the size of the vehicle which a resident has but the maximum size of a vehicle because people get the agreement based on a small car and then purchase a larger car which overhangs the sidewalk and street. She is not in favour of boulevard parking agreements.

Mr. Karl advised that boulevard parking agreements are not permitted to meet the parking requirements for conversion. Parking for conversion must be required on site.

Andrea Horvak of 76 West Avenue North asked if any increase in staff is anticipated to monitor these agreements to which the chairperson replied in the negative.

Alderman Wilson and Alderman Eisenberger concurred that the Planning staff report allows for a balanced compromise in keeping with Housing Intensification.

Alderman Kiss does not support the extension of conversions to the "C" District.

As recommended by the Commissioner of Planning and Development in a report dated 1992 September 30, the Committee recommended to Council as follows:

- A. That approval be given to City Initiative 91-G, for a general text amendment to Zoning By-law No. 6593, to implement the "Housing Intensification Strategy" respecting residential conversions, as adopted by City Council on 1991 June 25 on the following basis:
 - (a) That Section 2.(2)A.(iv) of Zoning By-law No. 6593 be deleted in its entirety;
 - (b) That Section 7A(1)(a) of Zoning By-law No. 6593 be amended by deleting "(ii)," so that the clause shall read as follows:

"as provided in clauses 8(1)(i) and (iia);"

- (c) That the following subclauses of Zoning By-law No. 6593 be deleted in their entirety:
- (i) Section 8(1)(ii);
 - (ii) Section 9.(1)(ii);
 - (iii) Section 10.(1)(iv);
 - (iv) Section 10A(1)(iii);
 - (v) Section 10B(1)(iv);
 - (vi) Section 10C(1)(iv);
 - (vii) Section 11.(1)(ii); and,
 - (viii) Section 11B(1)(iv);

- (d) That Section 10A(3)(ii)(a) of Zoning By-law No. 6593 be amended by deleting "or converted dwelling" so that the clause shall read as follows:

"for a single-family dwelling as permitted in a "C" District, a side yard along each side lot line of a width of at least 1.2 metres (3.94 feet);"

- (e) That Section 10A(3)(ii)(b) of Zoning By-law No. 6593 be amended by adding "or" between the words "dwellings, a" in the second line and deleting "or a converted dwelling" in the third line so that the clause shall read as follows:

"for a two family dwelling except a pair of semi-detached single family dwellings, or a three-family dwelling, a side yard along one side lot line of a width of at least 3 metres (9.84 feet),....."

- (f) That Sections 14(1a), (1b) and (1c) of Zoning By-law No. 6593 be deleted in their entirety;
- (g) That Section 19 of Zoning By-law No. 6593 be deleted in its entirety and replaced with the following:

"Section 19 - Residential Conversion Requirements

19(1) "AA", "B", "B-1", "B-2", "C", "D" and "R-2" Districts

Notwithstanding anything contained in this By-law, any single-family detached dwelling in an "AA" (Agricultural), "B" (Suburban Agriculture and Residential, etc.), "B-1" (Suburban Agriculture and Residential, etc.), "B-2" (Suburban Residential), "C" (Urban Protected Residential, etc.), "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) and "R-2" (Urban Protected Residential - One and Two-Family Dwellings) Districts may be converted to contain not more than two dwelling units, provided all the following requirements are complied with:

- (i) each dwelling unit has a floor area of at least 65 square metres (699.65 square feet), contained within the unit and having a minimum clear height of 2.1 m (6.9 ft.), but excluding the area of the cellar, if any, and of any porch, verandah or other such space which cannot lawfully be used as living quarters;
- (ii) the applicable zoning district regulations for a single-family detached dwelling shall apply, except the minimum lot area shall be 270 m²;

- (iii) except as permitted in clause iv), the external appearance and character of the dwelling shall be preserved;
- (iv) there shall be no outside stairway other than an exterior exit;
- (v) parking spaces, access driveways and manoeuvring space shall be provided in accordance with Section 18A, except that parking for only one of the dwelling units may be provided in accordance with the following special provisions:

Location

- (1) it may be located in a required front yard provided that the required area for parking shall not occupy more than 50% of the gross area of the front yard;
- (2) not less than 50% of the gross area of the front yard shall be used for a landscaped area, excluding concrete, asphalt, gravel, pavers or other similar materials; and,
- (3) manoeuvring for the parking space may be permitted off-site.

19(2) "DE", "DE-2", "DE-3", "E", "E-1", "E-2" and "E-3" Districts

Notwithstanding anything contained in this By-law, any dwelling in a "DE" (Low Density Multiple Dwellings), "DE-2" (Multiple Dwellings), "DE-3" (Multiple Dwellings), "E" (Multiple Dwellings, Lodges, Clubs, etc.), "E-1" (Multiple Dwellings, Lodges, Clubs, etc.), "E-2" (Multiple Dwellings) and "E-3" (High Density Multiple Dwellings) Districts may be converted to provide two dwelling units or more, provided all the following requirements are complied with:

- (i) each dwelling unit has a floor area of at least 65 square metres (699.65 square feet), contained within the unit and having a minimum clear height of 2.1 m (6.9 ft.), but excluding the area of the cellar, if any, and of any porch, verandah or other such space which cannot lawfully be used as living quarters;
- (ii) except as permitted in clause iii), the external appearance and character of the dwelling shall be preserved;
- (iii) there shall be no outside stairway other than an exterior exit;
- (iv) the yard requirements of the applicable zoning district in which the residential building is located shall apply to any extensions or enlargements;
- (v) the following lot area requirements shall apply:

- (1) a minimum lot area of 270 m² shall be provided and maintained for one to three dwelling units;
 - (2) a minimum lot area of 450 m², but not less than 65 m² of lot area per dwelling unit, shall be provided and maintained for more than three dwelling units;
- (vi) parking spaces, access driveways and manoeuvring space shall be provided in accordance with Section 18A, except that parking for only one of the dwelling units may be provided in accordance with the following special provisions:

Location

- (1) it may be located in a required front yard provided that the required area for parking shall not occupy more than 50% of the gross area of the front yard;
- (2) not less than 50% of the gross area of the front yard shall be used for a landscaped area, excluding concrete, asphalt, gravel, pavers or other similar materials; and,
- (3) manoeuvring for the parking space may be permitted off-site.

19(3) "H" Districts

- (i) Notwithstanding any other provisions of this by-law, any building or part thereof, existing on the 8th day of March, 1983 within a "H" (Community Shopping and Commercial, etc.) District, may be converted to contain not more than ten dwelling units;
 - (ii) The average of the floor areas, of all dwelling units referred to in clause i), shall be at least 65 square metres in area;
 - (iii) Every building converted in accordance with clause i) shall either:
 - (1) be situated on a lot having a minimum radial separation distance of 180.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a building converted or as may be converted in accordance with clause i); or,
 - (2) maintain the ground floor for commercial uses and provide parking in accordance with the provisions of Section 18A.
- (h) That Section 18A(14) of Zoning By-law No. 6593 be deleted in its entirety and replaced with the following:

"18A.(14a) Except for single-family dwellings and two-family dwellings erected prior to the 14th day of December 1971, no part of a required parking area in a residential district shall be located in a front yard.

(14b) For single-family dwellings and two-family dwellings erected prior to the 14th day of December 1971, required parking may be provided and maintained in the front yard provided that:

(i) the required area for parking shall not occupy more than 50% of the gross area of the front yard; and,

(ii) not less than 50% of the gross area of the front yard shall be used for a landscaped area, excluding concrete, asphalt, gravel, pavers or other similar materials."

(i) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,

(j) That the proposed changes to the Zoning By-law are in conformity with the Official Plan for the Hamilton Planning Area.

B. That the Transport and Environment Committee and the Transportation Services Committee be requested to amend their respective By-laws to require a minimum of 50% of the area used for residential boulevard parking be provided and maintained as a landscaped area.

(b) **Provincial Governmental Policy Paper on Apartments in Homes - Building Commissioner**

Tabled to the next meeting to review the document in its entirety and to add background information from the City of London as submitted by the Chairperson.

2. PARKS AND RECREATION COMMITTEE REFERRALS

(a) Modification of Zoning at Beasley Park to allow residential

(b) William Connell Park rezoning

(c) Rescinding of rezoning regarding Bernie Arbour Stadium

The Committee moved to receive the referrals from the Parks and Recreation Committee adopted by City Council at its meeting held 1992 September 29.

3. URBAN DESIGN COMMITTEE - REQUEST FOR CIRCULARIZATION ON MUNICIPAL PROJECTS DEALING WITH URBAN DESIGN MATTERS

Submissions:

(a) CAPIC

(b) Building Department

- (c) Fire Department
- (d) Law Department
- (e) Traffic Department
- (f) Public Works Department
- (g) Property Department (distributed at the meeting)

The Committee was in receipt of a report from the Urban Design Committee dated 1992 March 13 which was previously tabled.

Alderman Eisenberger was of the opinion that the Committee will provide valuable input to the Urban Design Process. They should be permitted to review all major projects.

Alderman Charters felt this additional step will delay an already lengthy process.

Alderman Wilson concurred with Alderman Eisenberger and added that a time limit should be placed as a response for the Urban Design Committee.

Alderman McCulloch told the Committee that his dealings with the Urban Design Committee have always been productive. He supports the recommendation.

After brief discussion, the Committee moved to forward the following recommendation to Council:

- (a) That the Urban Design Committee be circulated on major future municipal initiated projects dealing with Urban design matters in order to review and comment on terms of reference for projects; and
- (b) That this be forwarded to Committees of Council and City departments

4. BUILDING COMMISSIONER

Ontario Home Renewal Programme - Funding for Disabled

As recommended by the Building Commissioner in a report dated 1992 September 29, the Committee recommended to Council as follows:

That Hamilton City Council direct the Mayor to write to the Minister of Housing requesting the Provincial Government provide additional funding for the Ontario Home Renewal Programme - Disabled for the current fiscal year ending 1993 March 31.

5. COMMISSIONER OF PLANNING AND DEVELOPMENT

Site Plan Control Application 92-29, Mr. Russ Mackenzie, owner of land located at No. 2117 King Street East, Burtonville Neighbourhood

In response to a question from Alderman Wilson, the applicant stated that there will be an attempt to dress the facade of the property.

As recommended by the Commissioner of Planning and Development in a report dated 1992 August 10, the Committee resolved as follows:

That approval be given to Site Plan Control Application DA-92-29 by Mr. Russ Mackenzie, owner of the lands at 2117 King Street East for an addition to a garage, subject to the following:

- (a) modification to plans related to notes and dimensions as marked in red on the plans; and,

- (b) inclusion of the sizes of the proposed plantings in the landscape area as marked in red on the plans.

6. **ADDED ITEM - NINA CHAPPLE RE: LACAC CONSIDERATION OF BUILDINGS WHICH ARE REQUESTING BUILDING PERMITS**

Ms. Chapple advised that LACAC is discussing demolitions requested for the Dare Candy Factory on Jackson Street, the Old Synagogue on 126 Cannon Street West and the Hamilton Apartment buildings between Hughson and James Streets.

Upon the suggestion of Alderman McCulloch, the Committee directed staff to make contact with the owners of these properties to provide them with options available to them with regard to preserving the properties. Since they are not designated, the City has no authority to deny the demolition permits.

In response to a question from Alderman Eisenberger, Ms. Chapple advised that London and Toronto have strengthened forms of designation for commercial and industrial buildings.

The Committee directed Ms. Chapple to prepare a report on the London and Toronto procedures for the Committee's information.

ZONING APPLICATIONS AND PUBLIC MEETINGS

7. **ZA-92-28, Alexander Stoller and Enzo Didiodato, owners, for a change in zoning from "AA" District to "C" District for property located at No. 255 Rymal Road East; Barnstown Neighbourhood**

Paul Mallard advised that of 64 notices circulated, 3 replied in favour and 0 replied as opposed.

As recommended by the Commissioner of Planning and Development in a report dated 1992 September 29, the Committee recommended to Council as follows:

That approval be given to Zoning Application 92-28, Alexander Stoller and Enzo Didiodato, owners, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the creation of four (4) lots for single-family dwellings, for the property located at 255 Rymal Road East, as shown on the attached map marked as Appendix "A", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, and Zoning District Map E-18D for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

8. **Zoning Application 92-10, John Foss, owner, for a modification to the established "E-3" District regulations for property located at No. 113 Charles Street; Durand Neighbourhood**

John Foss, applicant and Jeff Steadman, Solicitor, were present.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1992 September 30.

Paul Mallard advised that the proposal is contrary to the intent of the Historical plan, it conflicts with the Durand Neighbourhood Plan and the Official Plan.

Mr. Steadman advised that he operates a law practice at 126 James Street South. He stated that the lot is in close proximity to the TH&B rail line and the Park Street tunnel and, as such, is not conducive to residential development. It is more suitable for limited commercial use under which many other buildings have been designated. Mr. Foss is supportive of being part of the heritage district and will endeavour to erect a building which is architecturally appropriate and compatible with the heritage buildings.

Alderman McCulloch suggested that approval be site specific in order to provide restrictions as per heritage zoning.

Mr. Steadman added that the Law Department has acknowledged that the 2 parcels are separate.

Mr. Foss interjected that the setback may be closer to the front lot line than that permitted in the by-laws in order to be in keeping with existing structures.

After discussion was completed, the Committee resolved to forward the following recommendation to Council for approval:

- (a) That approval be given to Official Plan Amendment No. 119 to establish a Special Policy Area to limit the types of Commercial uses and to ensure development is in keeping with the character of the existing buildings in the area, and that the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That approval be given to Zoning Application 92-10, John Foss, owner, requesting a modification to the "E-3" (High Density Multiple Dwellings) District to permit limited commercial uses, for the property located at 113 Charles Street, as shown the attached map marked as Appendix "B", on the following basis:
 - (i) That the "E-3" (High Density Multiple Dwellings) District regulations, as contained in Section 11C of By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special provisions:
 - (1) That notwithstanding Section 11C(1) of By-law No. 6593, the following commercial uses shall be permitted:
 - (a) professional and medical offices;
 - (b) art gallery;
 - (c) bookstore;
 - (d) opticians' offices;
 - (e) optometrists' establishments; and,
 - (f) photographer's or artist's studio;
 - (2) That notwithstanding Section 11C(1) of By-law No. 6593, the following accessory use to the commercial uses referred to in subclause a), shall be permitted:
 - (a) One business identification sign that is a ground sign, wall sign or projecting sign that complies with all of the following requirements:
 - (i) The area of the sign shall not exceed 0.4 m²;
 - (ii) The sign shall be non-illuminated or illuminated by non-flashing, indirect, or interior means only;

- (iii) No sign shall be situated less than 1.2 m from the nearest street line;
 - (3) That notwithstanding Section 11C(1a) of By-law No. 6593, the height of a building or structure shall not exceed two (2) storeys, or 9.1 m (30.0') in height;
 - (4) That notwithstanding Section 11C(2) of By-law No. 6593, the following yards shall be provided and maintained:
 - (a) a front yard of a depth of at least 3.0 m (9.84');
 - (b) a side yard along each side lot line, of a width of at least 1.2 m (3.94');
 - (c) a rear yard of a depth of at least 7.5 m (24.61');
 - (5) That notwithstanding Section 18A, no required parking and no non-required parking shall be permitted in the front yard;
 - (6) The outside display of goods or wares shall be prohibited for the commercial uses;
 - (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1288, and that the subject lands on Zoning District Map W-5 be notated S-1288;
 - (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-5 for presentation to City Council;
 - (iv) That the proposed modification in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 119 by the Regional Municipality of Hamilton-Wentworth; and,
 - (v) That the approved Durand Neighbourhood Plan be amended by redesignating the subject lands from "Low Density Apartments" to "Commercial and Apartments".
9. **ZA-92-16, Landawn Shopping Centres Ltd., owner, for a further modification to the "HH" District regulations for property located at No. 350 Centennial Parkway North; Lakely Neighbourhood**

A submission was received from Karen Frazer, CN Rail, Suite 401, 277 Front Street West, Toronto and S. McNally and Sons, 1855 Barton Street East, Hamilton.

Paul Mallard advised that the applicant is requesting an expansion of the range of uses. The Traffic Department has concerns and their comments are appended to the report. The applicant is willing to limit the square footage of the development. Of 92 notices circulated, 14 replied in favour and 4 were opposed.

John Ruddy, Executive Vice-President of Landawn Shopping Centres was present and concurred with the recommendation.

Daniel Roetsier of S. McNeilly and Sons, located to the south of the property was opposed to the development because of increased traffic in the area.

Celia Rutner, Secretary to Waxman Company, was present to oppose the application based on traffic concerns.

Mr. Ruddy advised that the property is presently zoned commercial. The previous development was much larger and this one has been downscaled. He suggested that traffic signalization will enhance safety in this location.

Alderman Eisenberger was concerned with potential traffic problems. Mr. Karl, in response to a question advised that the access to Centennial Parkway from the property will align with Arrowsmith Road.

Mayor Morrow stated his support for the project.

Alderman Wilson supported the fact that a signalized intersection will be part of this project.

As recommended by the Commissioner of Planning and Development in a report dated 1992 September 30, the Committee recommended to Council as follows:

- A. That approval be given to Official Plan Amendment No. 118 to delete the lands from Special Policy Area 48 and to establish a new Special Policy Area to limit the types of Commercial uses, and that the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.
- B. That approval be given to Zoning Application 92-16, Landawn Shopping Centres (National) Limited, owner, requesting a further modification in zoning to the "HH" (Restricted Community Shopping and Commercial) District modified, to permit the construction of a one storey, commercial retail complex, for the lands located at 350 Centennial Parkway North, as shown on the attached map marked as Appendix "C", on the following basis:
 - (a) That By-law No. 90-29 be repealed in its entirety;
 - (b) That the subject lands be rezoned from "KK" (Restricted Heavy Industrial) District to "HH" (Restricted Community Shopping and Commercial) District;
 - (c) That the "HH" (Restricted Community Shopping and Commercial) District regulations, as contained in Section 14A of Zoning By-law No. 6593, as amended by By-law No. 90-29, applicable to the subject lands, be further modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 14A(1), only the following commercial uses shall be permitted:
 - (1) Gas Bar;
 - (2) Building Supply Store (Lumber Yard);
 - (3) Restaurant;
 - (4) Bank;
 - (5) Lawn and Garden Centre;
 - (6) Retail Store;
 - (7) Wholesale Establishment;
 - (8) Shoe Repair Shop;
 - (9) Barbershop, hairdressing establishment or beauty parlour; and,
 - (10) Signs in accordance with the "HH" District provisions.
 - (ii) That notwithstanding Section 14A, outside storage used in conjunction with a permitted use shall be permitted subject to the following:
 - (1) A visual barrier not less than 1.5 m and not more than 2.0 m in height shall be provided and maintained along

the westerly boundary and 20 m along the southerly boundary contiguous to the westerly boundary.

- (2) The total area of the outside storage shall not exceed 15% of the total lot area.
- (iii) A maximum gross floor area of 12,077 m² (130,000 S.F.) shall be permitted;
- (iv) That a minimum 3.0 m wide landscape strip shall be provided and maintained along the lot line adjoining Centennial Parkway, except for any area used for access driveway(s).
- (v) That notwithstanding Section 14A(3)(b) a sideyard having a width of at least 30.0 m shall be provided and maintained along the northerly lot line;
- (vi) That a chain-link fence not less than 1.8 m in height shall be provided and maintained along the northerly property line.
- (d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1155a, and that the subject lands on Zoning District Map E-113 be notated S-1155a;
- (e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-113 for presentation to City Council;
- (f) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 118 by the Regional Municipality of Hamilton-Wentworth.

10. Conversion to Condominium Application CD-92-001 under the Rental Housing Protection Act for 515 Main Street East

Submissions were received from:

- (a) Shirley Newton, Ministry of Housing, 777 Bay Street, 2nd Floor, Toronto, Ontario, M5G 2E5
- (b) Michael Robinson, c/o The Tenant Resource Centre, 360A Queenston Road, Hamilton, Ontario, L8K 1H9
- (c) Manfred Rudolph, Turkstra, Mazza, Shinehoft, Mihailovich, 15 Bold Street, Hamilton, L8P 1T3

Vanessa Grupe explained that the application is to convert 21 rental units to condominium units. Most units were vacant when the application was made. The price range for condominium units will be in the 30 to 50 thousand dollar range and will, therefore, be affordable. The application is being considered because the rental vacancy rate in the City is greater than 2%. Approval is recommended subject to an agreement with present tenants to purchase or rent.

Mr. Rudolph, Solicitor, and Vince Seniuas, realtor, were present on behalf of the applicant.

Mr. Rudolph explained that he is in the process of investigating the possibility of selling the units to non-profit housing.

Judith MacNeil of Dundurn Legal Services was present on behalf of the tenants. She stated that after October 31st there will only be one occupied unit. She gave a brief history of problems which tenants have endured under the previous owner. She

explained that the rents meet the affordability criteria in which case conversion to condominium is not more affordable to the tenants. She suggested that the common element fee may be an additional financial burden.

Michael Robinson of the Tenant Resource Centre in Hamilton stated that, if approved, the units should be sold to tenants inhabiting the building only and that this should be a condition of sale. He suggested that there may be a prosecution suit pending as a result of vacant possession. He encouraged applications for purchase be made to C.M.H.C. for a reduced down payments. He concluded by suggesting denial or tabling.

Ms. Horvack of McQueston Legal and Community Services felt that approval of this application would encourage landlords to act irresponsibly.

Mr. Rudolph advised that with regard to a suit, the type of renovation which has been conducted does not require an application. Peter Lampman concurred. He also pointed out that the present owner is not a bad actor and is acting in good faith.

Mr. Seniwas stated that it is cheaper for the present tenants to purchase than rent.

The Mayor suggested that the project be "Non-Profit".

In response to a question from Alderman Wilson, Ms. Grupe advised that the vacancy rate for 2 bedroom units is presently 3.4%.

Alderman Charters suggested the application be table to allow the Municipal Non-Profit Housing Board to review the application.

The Chairperson explained that the units are already affordable and will also be affordable as condominium units. This will not add additional affordable units to the rental stock.

A motion was moved and seconded to table the matter and was lost.

As recommended by the Commissioner of Planning and Development in a report dated 1992 October 1, the Committee recommended to Council as follows:

- A. That approval be given to Rental Housing Protection Act Application CD-92-001, Oswald Delkus, principal of registered owner, 542052 Ontario Limited, for conversion of 21 rental residential units to 21 residential condominium units at 515 Main Street East, Hamilton, as the proposed development will not adversely affect the supply of affordable rental housing in Hamilton, provided the owner fulfils the following conditions:
 - (a) That the applicant offer to the remaining tenants in the three bedroom unit known as Apartment No. 3, namely Mr. Robert Balansche and Mrs. Ruth Balansche, the opportunity to continue renting their unit for as long as they wish, at the rent rate now paid, namely \$357.00 per month, provided that such rent shall not be increased by reason of the alterations to convert the building to a condominium, but that the rent may be increased as otherwise permitted at law;
 - (b) That the applicant also offer the present tenants, namely Mr. and Mrs. Balansche, the option to purchase their unit, Apartment No. 3, within three years of registration of the new condominium, at a price to be negotiated not in excess of \$55,000.00 (fifty-five thousand dollars); and,
 - (c) That the owner agree to cause the new condominium corporation to enter into an agreement with the City to assume these obligations;
 - (d) That the applicant be requested to prepare an Approval Agreement incorporating the conditions of approval, in a form satisfactory to the

Director of Local Planning and the City Solicitor. This Agreement is to be executed by the Mayor and City Clerk.

- B. That the City Clerk execute the Certificate of Approval in a form satisfactory to the City Solicitor, pursuant to Section 13(8) of the Rental Housing Protection Act, 1989 after the owner's Agreement incorporating the conditions of approval has been registered on title to 515 Main Street East by the owner.

11. **Crown Point West/Stipeley P.RIDE Programme; Resolution of Truck Traffic Problem at Glendale Spinning Mills**

The Committee was in receipt of an information report from the Director of Public Works dated 1992 September 30.

Ms. McNeilly was present to explain that an attempt is being made to alleviate the truck traffic problems. With the co-operation of Canadian Pacific Rail, the lines are being moved to make room for trucks on the property and, therefore, reduce idling time.

Mr. Hamby of Glendale Spinning Mills was present. In response to a question from a resident, he explained that if there are more than 2 trucks at the loading docks, it is difficult for them to turn around and leave through the Barton Street access. The company is attempting to have truck traffic operate only between the hours of 9 to 5 and trucks are not to idle on company property.

Laura Magan, a resident of Glendale Avenue North, was concerned that trucks idle on residential streets prior to entering company premises.

Ms. McNeilly assured that the relocation of the rail lines will prevent trucks from backing down Primrose Avenue. As a resolution to residents concerns, a meeting was held to investigate the possibility of using part of park lands for a turn around but the residents were against this. Relocation of the rail lines is an alternative solution.

Alderman Kiss directed the Traffic Department staff to investigate the following options:

- (a) locating a school crossing guard in the area
- (b) locating "no stopping" signs on Primrose
- (c) locating a 4 way stop at the intersection of Glendale Avenue North and Primrose Avenue

12. **CONSENT AGENDA**

A. **ADOPTION OF THE MINUTES**

The minutes of the meeting held 1992 September 23, were approved as circulated.

B. **DIRECTOR OF PROPERTY**

Lease of City owned land to Philip Enterprises Inc.

As recommended by the Director of Property in a report dated 1992 September 29, the Committee recommended to Council as follows:

- (a) That a Lease with Philip Enterprises Inc., for the rental of the vacant lots at 391, 393, 397, 399 and 401 Sherman Avenue North, and 17, 19, 21, 23, 25, 27, 29 and 31 Gerrard Street, comprising of a total area of

2,376.2 square metres (25,579 square feet) more or less, commencing on 1992 November 1 on a month to month basis, at a rental rate of \$640 per month plus realty taxes estimated at \$6,323 for 1992, be approved and completed, and rental proceeds be credited to Account Number CF 4501 308750001 (Rental Fees Enclave Clearance Program).

- (b) That Philip Enterprises Inc. shall agree to insure the City for an amount of liability not less than the sum of \$2,000,000 with the insurance policy to include a cross liability clause.
- (c) That Philip Enterprises Inc. shall at its own expense undertake to gravel the leased property, creating a stable base upon which the parking of trucks is possible, and to construct driveway ramps along the northerly and westerly limits of the leased property.
- (d) That Philip Enterprises Inc. shall be responsible for the repair of any damage to the sidewalks abutting the leased property that arises as a result of truck traffic gaining ingress and egress to and from the leased premises.
- (e) That Philip Enterprises Inc. shall at its own costs be solely responsible for the removal and disposal of any and all materials that are deposited on the leased premises during the term of the lease as a result of Philip Enterprises Inc. use of the property.
- (f) That the Mayor and City Clerk be authorized and directed to execute a Lease Agreement in a form satisfactory to the City Solicitor.

C. **BUILDING DEPARTMENT**

(a) **Demolition Permits**

As recommended by the Building Commissioner in a report dated 1992 September 29, the Committee recommended to Council as follows:

That the Building Commissioner be authorized to issue demolition permits for the following properties:

- (a) 36 Cliff Avenue
- (b) 127-129 Bay Street North

(b) **Commercial Facade Loan Programme - 252 Ottawa Street North**

As recommended by the Building Commissioner in a report dated 1992 September 29, the Committee recommended to Council as follows:

That a Commercial Facade Loan in the amount of ten thousand, six hundred and forty seven dollars (\$10,647) be approved for Greta Munt, 252 Ottawa Street North, Hamilton. The interest rate will be 3 1/8 percent, amortized over 10 years.

D. **INFORMATION REPORT**

The Committee was in receipt of the following report:

- DA-92-12: 266 Limeridge Road East
- DA-92-24: 322-330 Charlton Avenue West

13. OTHER BUSINESS

None.

14. ADJOURNMENT

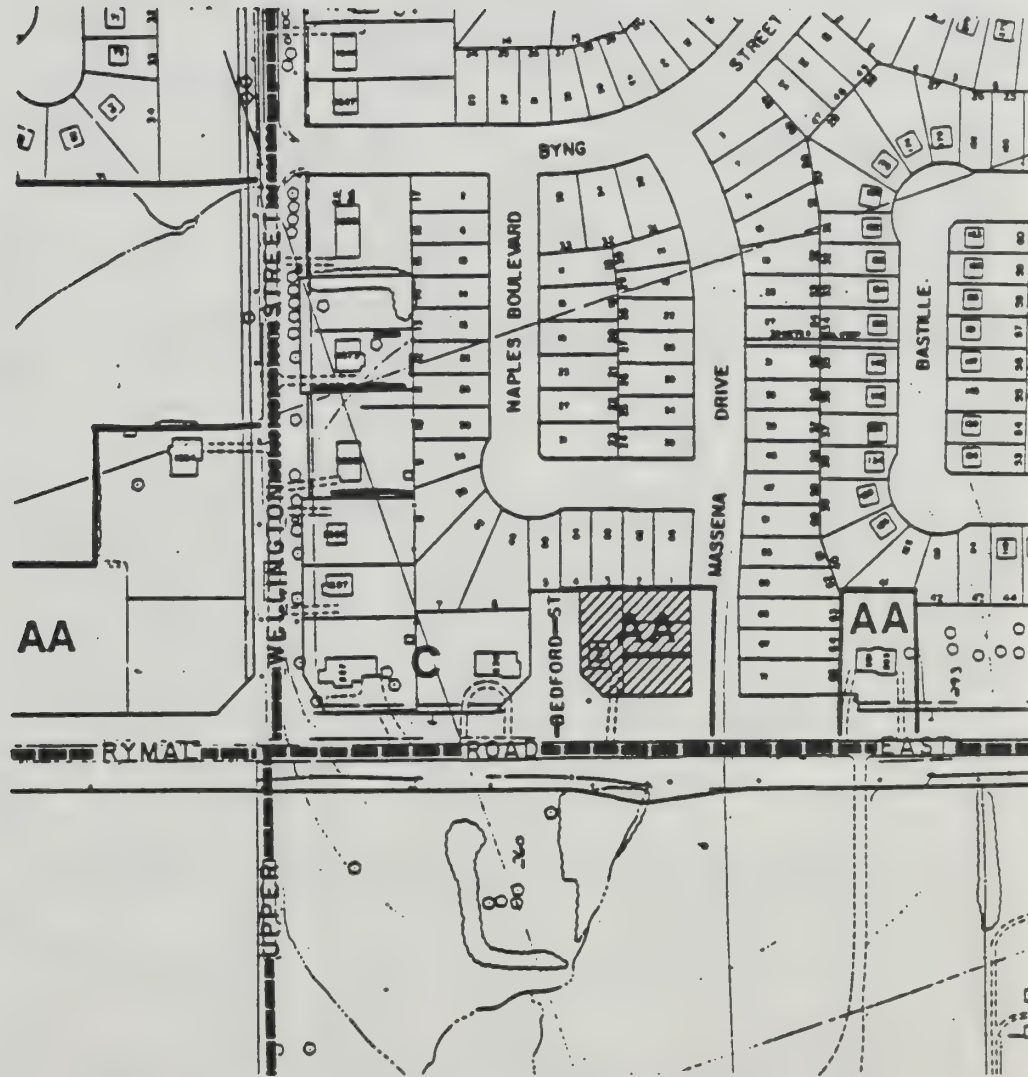
There being no further business, the Committee meeting adjourned.

Taken as read and approved,

ALDERMAN DON DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE

Tina Agnello
Secretary
1992 October 07

Appendix "A" referred to
in Section 7 of the
minutes of the Planning and
Development Committee of
1992 October 07



Legend



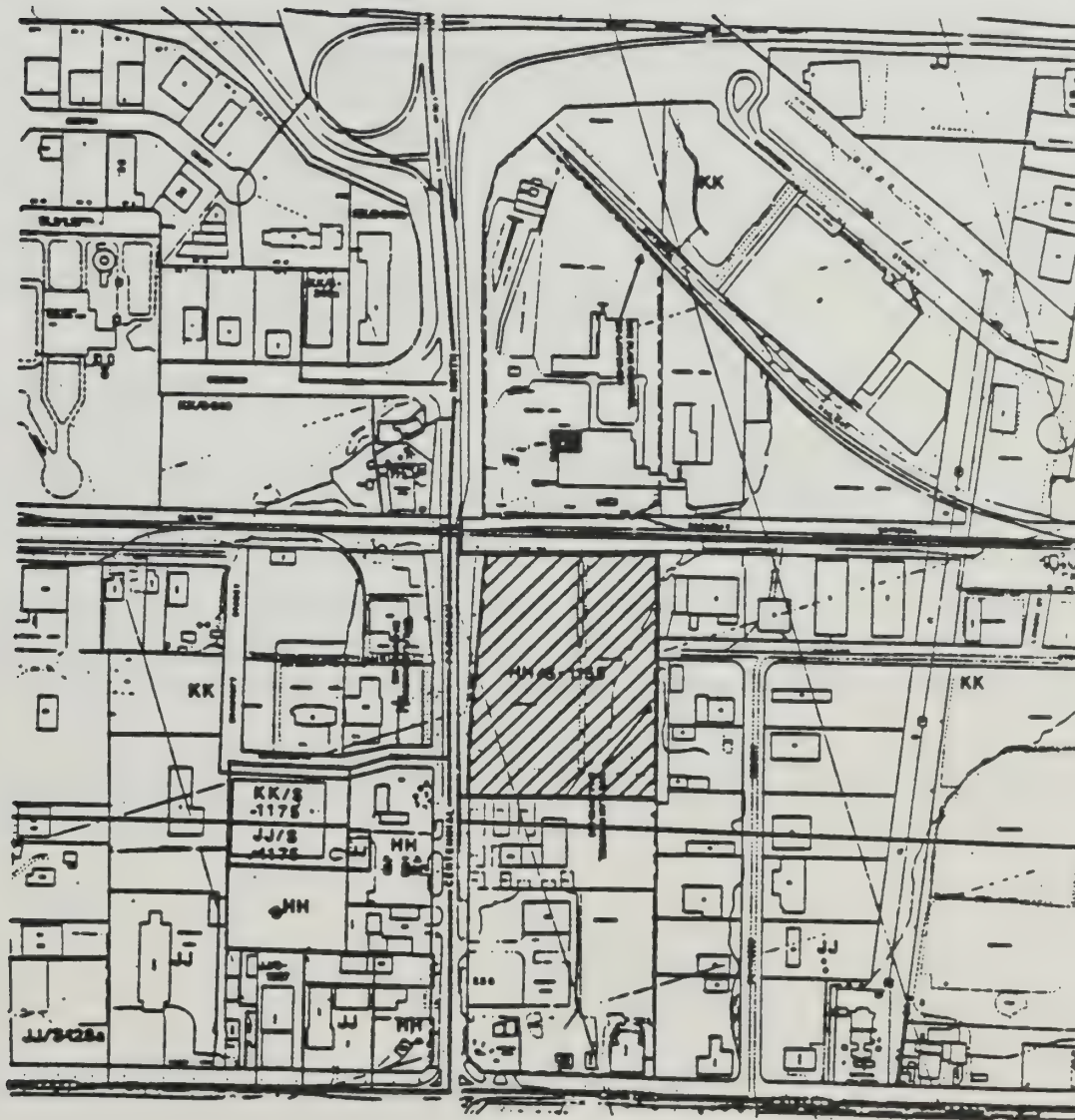
Site of the Application



[illegible]

2A-88-10

Appendix "C" referred to
in Section 9B of the
minutes of the Planning and
Development Committee of
1992 October 07



Legend



Site of the Application



ZA-02-10

B.

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

OCT 13 1992

CITY CLERKS

DATE: 1992 October 13
S703-77 (M.J. Inrig)

TO: T. Agnello, Secretary
Planning and Development Committee

FROM: E.M. Gill, P. Eng.
Senior Director
Roads Department

SUBJECT: Claudette Gardens - Phase 1, Hamilton
(Cash in lieu of 5% Parkland Dedication)

RECOMMENDATION:

- a) That the portion of Item 6 of the Planning and Development Committee Report 15-92 adopted by City Council on 1992 August 25, which refers to the approval of the 5% cash figure for "Claudette Gardens - Phase 1", Hamilton be DELETED.
- b) That the City of Hamilton accept the sum of \$16,380.00 as cash payment in lieu of the 5% land dedication in connection with "Claudette Gardens - Phase 1", Hamilton, this being the cash payment required under Section 50 of the Planning Act.

The lands of Claudette Gardens - Phase 1 are located on the west side of Garth Street, north of Rymal Road West in the Falkirk East Planning Neighbourhood.



E.M. Gill, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no financial costs to the City associated with this report.

BACKGROUND:

The Owner of "Claudette Gardens - Phase 1", (Adisco Limited) will be executing a subdivision agreement with the City of Hamilton in the near future. A copy of the Final Plan of Subdivision has been attached for your information.

Cont'd...

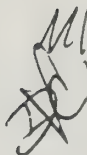
-page 2-
1992 October 9

Claudette Gardens - Phase 1, Hamilton
(Cash in lieu of 5% Parkland Dedication)

Cont'd...

Adisco Limited has revised the Final Plan of Subdivision by reducing the number of Lots from forty-eight (48) small single family lots to eighteen (18) lots for the Phase 1 development. As a result, the cash payment in lieu of 5% parkland dedication was revised by the City's Property Department to reflect the reduced size of the subdivision.

The amount to be included in the City's Subdivision Agreement at this time is
\$16,380.00

 MJI/md
Attach.

cc: D. Cobb, City Treasury Department
cc: R. Buckle, City Property Department

PLAN OF
CLAUDETTE GARDENS (PHASE I)
BEING A PLAN OF SUBDIVISION OF

**PART OF LOT 19
CONCESSION 8
IN THE GEOGRAPHIC TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF
HAMILTON - WENTWORTH**

SCALE 1 : 600

J.P. WOOLLEY SURVEYING

1992

PARCEL 19-6

PLAN 62M -

CERTIFY THAT THIS PLAN 62M
IS REGISTERED IN THE LAND TILES OFFICE
FOR THE LAND TILES DIVISION OF MINNESOTA (See 022
AT 11:00 ON THE DAY OF
PARCEL
AND AFFIDAVITS
ARE REGISTERED AS PLAN DOCUMENT

LAND REGISTAR FOR THE LAND TITLES DIVISION
OF NEWTOWN (No. 82)

APPROVED UNDER SECTION 50 OF THE PLANNING
ACT BY THE COMMISSIONER OF PLANNING AND
DEVELOPMENT IF THE REGIONAL MEMORIALITY
OF HAMILTON - WENTWORTH THIS
DAY

COMMISSIONER OF PLANNING AND DEVELOPMENT
REGIONAL MUNICIPALITY OF HAMILTON - MENTHOEN

THIS IS TO CERTIFY THAT.

1. LOTS 1 TO 18 (INCLUSIVE), BLOCK 28 (STREET) (INCLUSIVE), BLOCK 30 AND BLOCK 31 (INCLUSIVE), BLOCK 32, GLEBE DRIVE AND (20 SO RESERVES), GLEBE DRIVE AND (20 SO RESERVES) GLEBE DRIVE HAVE BEEN Laid OUT IN ACCORDANCE WITH MY INSTRUCTIONS
2. THE STREETS ARE HEREBY DEDICATED TO THE CORPORATION OF THE CITY OF MONTREAL AS PUBLIC HIGHWAY THE STREET NUMBER IS HEREBY DEDICATED TO THE CORPORATION OF THE CITY OF MONTREAL AS PUBLIC HIGHWAY

PAID BY _____ DAY OF _____, 1994

800004 CHITAGO INC.

800004 CHITAGO INC.

... ..

THE UNIVERSITY OF CHICAGO PRESS

STAINED BROWN AND AROMATIC AND ARE EMPLOYED IN THE MANUFACTURE OF CATHETERS, TUBES AND OTHER MEDICAL INSTRUMENTS. A WEIGHT OF 17.5 GMS.

[illegible]

1. CERTIFY THAT:

- 1) THIS SURVEY WAS PLANNED AND CONDUCTED IN ACCORDANCE WITH THE SURVEY ACT AND THE LAND TITLE ACT AND THE REGULATIONS MADE THEREUNDER.
- 2) THE SURVEY WAS COMPLETED ON THE 30th DAY OF AUGUST 1989.

АВГУСТ П. 1903

THE UNITED STATES OF AMERICA

TOWN OF BARTON

J.P. WOOLLEY SURVEYING
25 NAIRNE STREET CALEDONIA, ONTARIO
NOA 1A0 PHONE 1-(416)-765-0181

PROJECT NO.	15 00000	15 40000
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Ca)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 October 15

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo,
Director of Public Works

RECEIVED

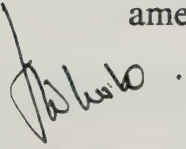
OCT 15 1992

CITY CLERKS

SUBJECT: International Village Business Improvement Area;
Expansion of Boundaries

RECOMMENDATION:

- a) That the International Village Business Improvement Area boundaries be expanded to include the following:
- both sides of King William Street from Mary to Wellington Streets
 - the east side of Mary Street from King to King William Streets
 - both sides of Ferguson Avenue from King to King William Streets
 - the west side of Wellington Street from King William to Main Street
 - Spring Street between King and Main Streets; and,
- b) That the City Clerk's Department be authorized and directed to circularize the proposed area with the notice of intent to amend the designating by-law in accordance with Section 220 of the Municipal Act; and,
- c) That the Law Department be authorized and directed to prepare the necessary amending by-law.



Mr. D. Lobo,
Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

By-law No. 86-211 which amended By-law No. 76-19 designating the International Village Business Improvement Area requires amendment to expand the boundaries of the International Village B.I.A.

BACKGROUND:

On 1992 October 14 the Public Works Department was in receipt of a letter from the International Village B.I.A. (attached as Schedule 'A') requesting that their B.I.A. boundaries be expanded. In accordance with Section 220 of the Municipal Act, all of those within the proposed expansion area assessed for business purposes and included on the last revised assessment roll must receive notice of the intention to pass the by-law.

JMcN:bk

cc: Ms. P. Noe Johnson, City Solicitor
Law Department

Mr. A. Ross, City Treasurer
Treasury Department

Hamilton's

INTERNATIONAL

Village

Business Improvement Area

Box 91220 Effort Sq. P.O.
Hamilton, Ontario L8N 4G4

King Street, just east of the Holiday Inn
~~P.O. Box 485, Station A,~~
Hamilton, Ontario ~~L8N 3H8~~

October 14th, 1992

Ms. Jacqueline McNeilly
Community Renewal Co-ordinator
Department of Public Works
City of Hamilton
71 Main Street West
HAMILTON, Ontario
L8N 3T4

Dear Ms. McNeilly:

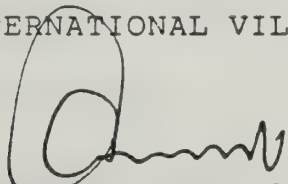
On behalf of the Board of Management of INTERNATIONAL VILLAGE Business Improvement Area, I am writing to you to formally request the expansion of our defined area to include:

- Both sides of King William Street from Mary to Wellington
- The East side of Mary Street from King to King William
- The East and West sides of Ferguson Avenue from King to King William Streets
- The West side of Wellington Street from King William to Main Street
- Spring Street between King and Main Streets

We thank you for your attention to this matter.

Sincerely,

INTERNATIONAL VILLAGE B.I.A.



Agostino Ammendolia, Secretary

Cb)

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

OCT 15 1992

CITY CLERKS

DATE: 1992 October 15

REPORT TO: Ms. T. Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo
Director of Public Works

SUBJECT: Commercial Improvement Programme; Paving of
Alleyways in the Westdale and International Village.

RECOMMENDATION:

- a) That the 1992 estimate of expenditure under the Commercial Improvement Programme, approved by City Council on 1992 January 28 and June 30, be increased by \$71,606.35 to cover the extra costs associated with paving alleyways within Westdale and International Village B.I.A.'s.

D. Lobo

Mr. D. Lobo
Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The cost will be funded under the Commercial Improvement Programme, Account Numbers CF 5204-428705003 and CF 5204-428705005

BACKGROUND:

The originally approved cost to pave alleyways within the Westdale and International Village B.I.A.'s was based on estimates submitted by the Regional Roads Department. Upon completion of the final tendering documents it was determined that additional items and quantities of items not included in the original cost were necessary to carry out the work.

Da)

CITY OF HAMILTON

- RECOMMENDATION - RECEIVED

OCT 13 1992

CITY CLERKS

DATE: October 9, 1992.

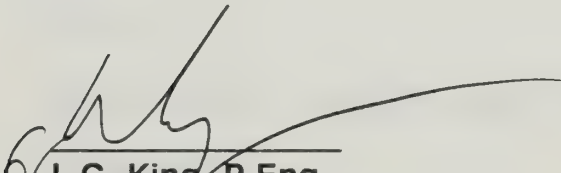
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Commercial Facade Loan Programme
303-307 King Street East, Hamilton

RECOMMENDATION:

That a Commercial Facade Loan in the amount of forty five thousand dollars (\$45,000) be approved for Agommen Ltd., and Co-owners, 303-307 King Street East, Hamilton. The interest rate will be 4 1/8 per cent, amortized over 10 years.


L.C. King, P.Eng.
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The owner of 303-307 King Street East has applied for assistance under the City of Hamilton's Commercial Facade Loan Programme. As per the terms of the Programme, the Building Department has inspected the property under Property Standards By-law 74-74, and the necessary repairs have been included in the cost of repairs.

Tina Agnello, Secretary
Planning and Development Committee

- 2 -

October 9, 1992

The International Village Business Improvement Area (B.I.A.) has reviewed the plans and approved the work which is to be undertaken by the owner.

The Building Department, therefore, recommends the approval of a Commercial Facade Loan to Agommen Ltd., and Co-owners for improvements to 303-307 King Street East in the amount of \$45,000. The loan will be amortized over a 10 year period at 4 1/8 per cent interest. The monthly payments will be \$458.24 and will be secured by a Promissory Note and a lien registered on title.

c.c. R. Camani, Treasury Department

Db)

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

OCT 13 1992

CITY CLERKS

DATE: 1992 October 9

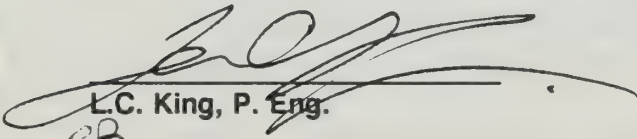
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
91 WEBSTER ROAD - Tag Number 87815

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 91 Webster Road.



L.C. King, P. Eng.

EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: B-2/S-1223

PRESENT USE: Single Family Dwelling

PROPOSED USE: Single Family Dwelling

BRIEF DESCRIPTION: 1-1/2 storey aluminum siding house

It is the intention of the owner to demolish the existing dwelling and build a new single family dwelling. The plans for the new dwelling have been submitted to our Department.

The owner of the property as per the demolition permit application is:

Ms. Lina Zippilli
42 Adorn Court
Hamilton, Ontario

Ea)

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

OCT 14 1992

DATE: 1992 October 14
(25CDM-92003)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

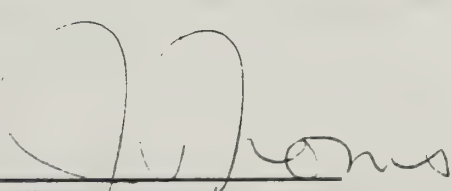
CITY CLERKS

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

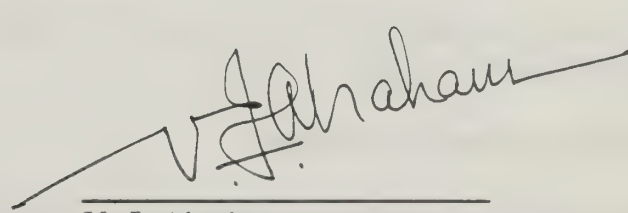
SUBJECT: Proposed Draft Plan of Condominium.

RECOMMENDATION:

- A. That approval be given to application 25CDM-92003, Taba Developments Ltd., owner, to establish a draft plan of condominium located south of Stone Church Road East on the east side of Upper Ottawa Street, subject to the following conditions:
- (a) That this approval apply to the plan prepared by Rady-Pentek & Edward Surveying Ltd., dated April 21, 1992, showing 37 industrial units.
 - (b) That Land Severance application H-18-92 and H-19-92 be finalized prior to the release of the Final Plan of Condominium.
- B. That the Commissioner of Planning and Development for the Regional Municipality of Hamilton-Wentworth be advised of Council's decision.



J. D. Thoms, M.C.I.P.
Commissioner
Planning & Development Department



V. J. Abraham, M.C.I.P.
Director
Local Planning Branch

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner:

- Taba Developments Ltd., Hamilton, Ontario

Surveyor:

- Rady-Pentek & Edwards Surveying Ltd., Downsview, Ontario

Location:

The lands, comprising 0.680 ha., are located south of Stone Church Road East on the east side of Upper Ottawa Street in the Rymal Neighbourhood, City of Hamilton.

Proposal:

The owner proposes to erect one building in two phases as an industrial condominium project. One phase is to contain 19 units and the other phase is to contain 18 units.

Existing Development Control:

Hamilton-Wentworth Official Plan - the lands are identified as "Industrial Business Parks" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Industrial". The proposal complies.

Neighbourhood Plan - the lands are designated "Restricted Industrial". The proposal complies.

Zoning - the lands are zoned "M-12" Prestige Industrial Uses. The proposal complies.

Niagara Escarpment - the lands are not within the Development Control Area, therefore, regulations do not apply.

Comments from Circulation:

The following agencies have advised that they have no comment or objection toward the proposal:

- Hamilton-Wentworth Conservation Authority

- Ontario Hydro, Union Gas and Bell Canada
- City Traffic Department
- City Building Department

The Regional Department of Engineering has submitted the following comments and recommendations:

"For Information:

1. *Sanitary and storm sewers and watermains are available for servicing the subject lands.*
2. *No additional road widenings are required.*
3. *Comments from the Traffic Department with respect to common accesses, loading areas and parking etc. should be considered prior to final approval.*

Recommendations:

1. *Land Severance applications H-18-92 and H-19-92 should be finalized prior to the release of the Final Plan of Condominium.*

The submitted plan, as prepared by Craig Leslie, O.L.S. and dated April 20, 1992, is satisfactory to this Department subject to the above-noted comments and recommendations."

Comments:

- (1) The proposal conforms with the Official Plan and the Zoning By-law.
- (2) No commenting agency objected to the proposed condominium project.
- (3) This project required a site-plan amendment (DA-92-27) and approval from the Committee of Adjustment (Application No. A-92:174 and A-92:175). These approvals have been granted.

LL/dc
CDM92003



Location Plan For

LOTS 39, 40, 41, 42
AND PART OF LOT 38
R.P. M-489

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED CONDOMINIUM

North



Scale

1" = 1000'

Reference File No.
25CDM-92003

Date

JUNE 10, 1992

Drawing No.
Z. K.

CITY OF HAMILTON

- INFORMATION -

F.
RECEIVED

OCT 13 1992

CITY CLERKS

DATE: 1992 October 13

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Approved Site Plan Control Application

BACKGROUND:

The following Site Plan Control Application was approved by the Chairman of the Planning and Development Committee and the Alderman of the Ward.

DA-92-23

- 595 Rymal Road East

JPS/ma

2a)

CITY OF HAMILTON
- RECOMMENDATION -

REC

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DATE: October 1, 1992

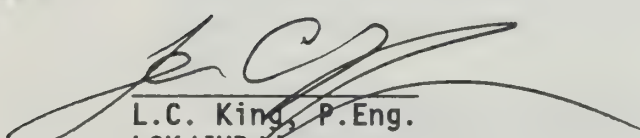
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: PROVINCIAL GOVERNMENT'S POLICY PAPER ON
APARTMENTS IN HOMES (92.2.4.2.1.A)

RECOMMENDATION:

1. That Hamilton City Council endorse, in principle, the Association of Municipalities of Ontario (A.M.O.) regarding their response to the Provincial Government's Policy Paper on Apartments in Homes.
2. That the Mayor be directed to advise the Provincial Minister of Housing and A.M.O. of the City's position.



L.C. King, P.Eng.
LCK/JHR/dc
Encls.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The City of Hamilton's Building Department has a representative who sits on the Association of Municipalities of Ontario's Task Force on Housing. Meetings have been held with other municipal officials including Toronto, London, Ottawa, Waterloo, Peel, Guelph, and St. Catharines. The result of these meetings is the attached report which makes strong recommendations against most of the policies proposed in the Provincial Paper entitled "Apartments in Homes".

It should be noted that A.M.O.'s report addresses additional issues not covered in the report prepared by the City's Planning Department and forwarded to the Committee at their last meeting. A.M.O.'s report includes comments on the loss of revenue as the City will be unable to collect fees under the Development Charges By-law for the "as-of-right" type of conversions.

The City's adopted position on "as-of-right" conversion accepted the principal providing certain conditions were met. The Province's position outlined in the Paper is a very strict interpretation of "as-of-right" with few limitations and certainly none as it relates to zoning or existing density. A.M.O.'s position is that conversions should only occur in accordance with conditions set by local municipalities. Unfortunately, A.M.O.'s report could not proceed to the last Planning and Development Committee meeting as it had not been endorsed by A.M.O.'s Executive. This approval was received August 23, 1992. It is acknowledged that the Provincial deadline for responses was August 31, 1992, however, A.M.O. had asked for an extension, therefore, endorsement of A.M.O.'s report may not be too late.

The Building Department recommends that the Planning and Development Committee recommend that City Council endorse A.M.O.'s position and that the Mayor be directed to advise the Minister of Housing accordingly.

c.c. V.J. Abraham, M.C.I.P., Director, Local Planning Division
Planning and Development Department, Attention: W. Janssen

August 31, 1992

the Honourable Evelyn Gigantes
Minister of Housing
10th Floor, 777 Bay Street
Toronto, Ontario
M5G 2E5

the Honourable Dave Cooke
Minister of Municipal Affairs
17th Floor, 777 Bay Street
Toronto, Ontario
M5G 2E5

Dear Ministers:

The Association of Municipalities of Ontario has completed a close review and examination of your proposed draft legislation contained in the consultation paper, *Apartments in Houses*. A bound copy of the response will be submitted to you in mid-September.

As expressed in the attached response, AMO is strongly opposed to the draft legislation to permit "an apartment in a house" and calls on you not to proceed with the introduction of legislation. The Association does not endorse the legislative approach your ministries have taken for many fundamental reasons. First and foremost, AMO objects to the provincial intrusion into the authority for zoning which has been delegated to municipal councils.

AMO is especially concerned given that the proposals are not in the form of options but represent the Province's policy decision. The "consultation" paper is therefore focused on how to implement the policy not on the merits and appropriateness of the policy in the first place. In opposition to this approach, AMO has directed its response to questioning the fundamental basis of this policy decision.

First, the Association believes that the Province should not resort to this legislative approach for achieving its housing objectives through the land use planning system and that the Sewell Commission should continue to be the forum for recommending the appropriate means for the Province to express its goals and objectives. This legislative action is also contrary to the accepted practice of policy statements as the means for expressing provincial interest and is contrary to the current requirements of the housing policy statement. Furthermore, the proposed legislative action will both negate municipal efforts to plan for and develop housing intensification policies appropriate to their communities and will reduce the municipal authority to implement these policies. Finally, the legislation excludes "planning" to ensure that the necessary services are available to accommodate the residential densities permitted.

In a previous correspondence, AMO also requested that the consultation period be extended by six months. As noted in that letter, this extension is necessary to provide municipalities the full opportunity to review the draft legislation. We would appreciate your response to this request.

We will have the opportunity to discuss the Association's position in more detail at the provincial-municipal consultation meeting on September 14, 1992. We look forward to that discussion and opportunity to present our position.

Yours truly,



Helen C. Cooper
President

cc. David Hobbs, Deputy Minister of Municipal Affairs
Dan Burns, Deputy Minister of Housing
Anne Beaumont, ADM, Ministry of Housing
Marcia Sypnowich, ADM, Ministry of Municipal Affairs
Anne Borooah, Director, Housing Advocacy and Planning, Ministry of Housing
Rob Dowler, Manager, Community Development Policy, Ministry of Housing
Philip McKinstry, Senior Planner, Municipal Planning Policy, Ministry of Municipal Affairs
Mary Neumann, Policy Advisor, Ministers Office, Ministry of Municipal Affairs



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Report Series 1992

**AMO's Response To
Apartments in Houses**

Association of Municipalities of Ontario

August 1992

TABLE OF CONTENTS

	PAGE
EXECUTIVE SUMMARY	E-1
1 INTRODUCTION	1
1.1 Objectives of Draft Legislation	3
2 FUNDAMENTAL CONCERNS	5
2.1 Expression of Provincial Policies	5
2.2 Municipal Zoning Authority	8
2.3 Municipal Authority to Establish Local Housing Policies and Priorities	9
2.4 Planning Implications	11
2.5 AMO's Position on "An Apartment in a House" Draft Legislation ...	12
3 Other Legislative Issues Addressed in the Consultation Paper	13
3.1 Garden Suites	13
3.2 Unrelated Persons Forming a Single Housekeeping Unit	15
4 OTHER OPTIONS FOR SUPPORTING MUNICIPAL HOUSING INTENSIFICATION POLICIES	18
4.1 Implement Regulatory, Enforcement and Financial Measures	19
5 CONCLUSIONS	23
6 SUMMARY OF RECOMMENDATIONS	24
ENDNOTES	25
APPENDIX A - PREVIOUS AMO HOUSING INTENSIFICATION RECOMMENDATIONS	26
APPENDIX B - ACKNOWLEDGMENTS	28

EXECUTIVE SUMMARY

On June 18, 1992, the Ministers of Housing and Municipal Affairs released their report, *Apartments in Houses: A Consultation Paper on Legislative Amendments to Allow One Apartment in a House*. Responses to the paper were requested by August 31, 1992.

AMO is strongly opposed to the Province's draft legislation to permit "an apartment in a house" and calls on the Province not to proceed with the introduction of legislation. The Association does not endorse the approach taken by the Province for many fundamental reasons. First and foremost AMO objects to the provincial intrusion into the authority for zoning which has been delegated to municipal councils.

AMO is especially concerned given that the Government's proposals are not in the form of options but represent the Government's policy decision. The "consultation" paper is therefore focused on how to implement the policy not on the merits and appropriateness of the policy in the first place. In opposition to this approach AMO has directed its response to questioning the fundamental basis of this policy decision.

AMO has also requested that the consultation period be extended by six months and has urged municipalities to hold public meetings on the proposals as they would for any official plan or zoning by-law amendment.

AMO's Past Position

In the past AMO has supported residential intensification as one housing policy option which should be implemented at the discretion of municipalities. AMO has recommended a housing intensification policy which requires that municipalities designate areas within their official plans where each form of residential intensification will be permitted. It is against this position that AMO has responded to the draft legislation.

AMO's Key Concerns

AMO opposes this legislation for the following fundamental reasons:

- The Province should not resort to this legislative approach for achieving its housing objectives through the land use planning system. The Sewell

Commission should continue to be the forum for recommending the appropriate means for the Province to express its goals and objectives for the land use planning system. Through its submissions to the Sewell Commission, AMO supports that the Province's role should be confined to setting goals and objectives for planning and municipalities should identify policies for implementing them.

- It is contrary to the accepted practice of policy statements as the means for expressing provincial interest and is contrary to the current requirements of the housing policy statement.
- This is an unwarranted interference with municipal zoning authority. Municipalities will be held responsible and accountable for policy decisions made by the Province which have not been subject to public consultation and appeal.
- AMO has advocated, and municipalities have begun to take on, a more active role in developing comprehensive housing policies for local communities. This proposed legislative action will both negate municipal efforts to plan for and develop housing intensification policies appropriate to their communities and will reduce the municipal authority to implement these policies.
- The legislation excludes "planning" to ensure that the necessary services are available to accommodate the residential densities permitted.

"Garden" Suites

AMO supports the proposed legislative amendments pertaining to "garden" suites subject to the following clarifications: that the terms and conditions of the agreements include restricting the occupancy of garden suites to elderly or disabled relatives of the homeowner; and that express provision be made that municipalities continue to have the authority to regulate the type of construction, size, height or bulk of these suites (i.e. an enabling statement in the Planning Act allowing municipalities to apply site plan control to garden suites).

Unrelated Persons Forming a Single Housekeeping Unit

AMO is very concerned that the Province is resorting to this legislative action in response to its unsuccessful

appeal to the OMB of the City of Guelph's lodging house by-law. In many ways this action is similar to that taken by the Province with respect to Bill 128 which was also enacted in response to OMB hearings which at that time upheld municipal by-laws which made zoning distinctions based on the relationship of occupants of a residential unit. Now the Province is again reacting to a Board ruling it doesn't agree with by introducing legislation to prevent municipalities from limiting the number of unrelated occupants of a residential unit. This raises serious questions about the legitimacy of OMB hearings and decisions. AMO strongly opposes the proposed legislative amendments concerning unrelated persons and believes that the Guelph decision should prevail and that the Province should repeal Section 34a of the *Planning Act* or refer it to the Court of Appeal.

Other Amendments

In its report, *The Implementation of the Land Use Planning for Housing Policy Statement*, AMO proposed that if the Province wants to ensure greater acceptance of housing intensification, then it should look at providing municipalities with the legislative supports to enable them to ensure that the housing provided is safe, properly operated and maintained; and that the necessary services to support these units are available or can be provided and financed. In its response, AMO reiterates its recommendations on financial, regulatory and enforcement issues related to housing intensification.

One recommendation that has been responded to in the draft legislation is that of right of entry. AMO supports the proposed amendment to sections 31 and 49 of the *Planning Act* to allow the issuance of search warrants, without requiring that evidence be seized, or even specified.

1 INTRODUCTION

On June 18, 1992, the Ministers of Housing and Municipal Affairs released their report, *Apartments in Houses: A Consultation Paper on Legislative Amendments to Allow One Apartment in a House*. Responses to the paper were requested by August 31, 1992.

AMO is strongly opposed to the Province's draft legislation to permit "an apartment in a house." The Association does not endorse the approach taken by the Province for many fundamental reasons. First and foremost AMO objects to the provincial intrusion into the authority for zoning which has been delegated to municipal councils.

AMO is especially concerned given that the Government's proposals are not in the form of options but represent the Government's policy decision. The "consultation" paper is therefore focused on how to implement the policy not on the merits and appropriateness of the policy in the first place.

In opposition to this approach AMO has directed its response to questioning the fundamental basis of this policy decision.

The Province also appears to be avoiding public discussion of this issue. The paper has been released during the summer months, a two month period for the submission of responses has been established and no public consultation on the paper has been organized. It is clear the Province does not intend to consult widely on the issues.

In response, AMO has requested that the consultation period be extended by six months and has urged municipalities to hold public meetings on the proposals as they would for any official plan or zoning by-law amendment.

Key Elements of the Draft Legislation

The paper proposes draft legislation for amending the *Planning Act* and *Municipal Act* to achieve the following five objectives:

- Allow people to have one apartment in their house without getting special permission from the

municipality; an apartment in a house would be a "permitted use" which would be allowed on an "as-of-right" basis.

Amendments to the *Planning Act* are proposed to restrict municipalities from prohibiting an apartment in a house and to provide a provision of no effect for plans and by-laws passed which contravene this restriction. This restriction would apply to official plan policies, property standards by-laws, zoning, site plan control and interim control by-laws.

- Allow for regulations which describe zoning or property standards that can apply to apartments in houses.

The legislation proposes regulations to be issued under the *Planning Act* to set limits for standards which might be applied by municipalities and prohibiting the setting of other standards.

- Improve the ability of municipal officials to obtain a search warrant to investigate problems with zoning or property standards.

Amendments to the *Planning Act* are proposed to allow municipalities to obtain search warrants without the condition requiring that there must be evidence to be seized. This will give municipal officials enhanced ability to investigate possible violations of zoning and property standards by-laws.

- Strengthen the rules which limit the authority of municipalities to make distinctions based on the relationship among people who share a home.

Currently, the *Planning Act* prohibits municipalities from distinguishing between related and unrelated persons. However, the Province believes that municipalities have continued to attempt to regulate groups of unrelated persons by classifying their homes as "rooming houses".

An amendment to the *Planning Act* is proposed to make it clearer that zoning distinctions based on the relationship between people who form a "single housekeeping unit" are not permitted. In

this way, groups of unrelated people who form a "single housekeeping unit" would be treated like any other household for zoning purposes.

- Help municipalities accommodate the creation of garden suites.

Amendments to the *Planning Act* and *Municipal Act* are proposed to permit municipalities the authority to pass a by-law to permit the placement of a garden suite for up to 10 years and to permit municipalities to enter into an agreement with proponents setting out terms and conditions related to issues such as installation, maintenance or removal, and the period of occupancy of a garden suite.

AMO's Past Position

In the past AMO has supported residential intensification as one housing policy option which should be implemented at the discretion of municipalities. AMO has recommended a housing intensification policy which requires that municipalities designate areas within their official plans where each form of residential intensification will be permitted. These uses should be permitted in areas which meet the stated provincial criteria (in the housing policy statement) and locally determined criteria for as-of-right conversions.

It is against this position that AMO has responded to the draft legislation.

1.1 Objectives of Draft Legislation

Province's Reasons for Legislating Apartments in Houses

The consultation paper states that apartments in houses are supported by the Government because they:

- are a source of affordable housing for people who need it, and at no or little cost to the taxpayer;
- can ease the financial burden of home ownership by providing an additional source of income;
- mean jobs for people in the renovation and building supply business;
- are environmentally friendly because they use existing housing better and support public services and systems, such as transit, instead of contributing to urban sprawl; and

- support neighbourhood diversity and smaller scale development in keeping with the scale and character of existing communities.

Question Objectives

These reasons are in fact objectives which different forms of housing intensification such as apartments in houses can contribute towards achieving: provision of affordable housing; financial supports to home owners; job creation; better use of existing infrastructure and limiting urban sprawl; and support of neighbourhood diversity. AMO believes these objectives should be questioned from two perspectives: are these in and of themselves supportable provincial objectives, and is the specific legislative approach the appropriate way of achieving the objectives.

The objective of providing affordable housing continues to be a government priority. While the availability of affordable housing in many communities has improved during the past few years, the need for affordable housing certainly remains in some communities. However, as noted in the housing policy statement, the most critical need exists in the major urban centres of the province with less pressure experienced in some small or rural municipalities. In recognition of this, the housing policy statement placed a higher priority on those municipalities facing the greatest growth pressures and consequently housing needs. The draft legislation alternatively has imposed a "blanket" policy which will cover all municipalities to address a "need" for affordable housing which is by no means equally felt across all communities. As a result, many municipalities outside of the major urban centres of the province see this as a policy initiative created in response to a "Toronto" problem and not one which is sensitive to or reflects the situation in their communities. AMO therefore believes this policy is an inappropriate means for achieving the objective of "affordable" housing.

The same question can and should be posed for the objective of providing a means of financial support to home owners. Again, while supportable, is this the appropriate way for the Province to achieve this objective?

The objective of job creation in the renovation and building supply business is certainly supportable.

However, given both the limitations on capital improvements imposed by rent control legislation and the lack of any provincial budgetary funds allocated to housing renovation programs (e.g. OHRP, convert-to-rent), AMO questions whether homeowners will be able to pay the required costs of renovating units to bring them up to standards.

The objective to achieve better use of existing infrastructure and limiting urban sprawl is a planning objective which has been gaining increasing support at both levels of government. However, there are many policies for achieving these objectives. AMO believes that the specific policies appropriate for achieving these objectives should be determined locally.

Similarly, the objective to "support neighbourhood diversity" is clearly a matter of local policy and neighbourhood design.

Legislating Means of Achieving Provincial Objectives

The above discussion of the reasons or objectives for permitting "an apartment in a house" reveals a fundamental question: is this legislative approach the appropriate means for the Province to achieve its own planning and housing objectives? AMO believes the Province's approach is inappropriate. The Association outlines its reasons below.

2 FUNDAMENTAL CONCERNS

2.1 Expression of Provincial Policies

Implications for Commission on Planning and Development Reform in Ontario (Sewell Commission)

The Sewell Commission is currently reviewing the land use planning system towards making recommendations for reform. One of the key elements of this review is to clearly define provincial and municipal roles in setting planning goals and policies. AMO's position has been that the Commission should develop a statement of provincial goals to reflect the following definition of provincial and municipal roles in planning policy: the Province should set goals and objectives for planning and municipalities should identify policies for implementing these. While the proposals of the Commission are still the subject of review and debate, there is agreement between AMO and the Commission

that the Province should express its planning policies through formal statements on provincial goals.

This proposed legislation works counter to both the current thinking of the Commission and AMO's position on planning reform. If the Commission is able to complete its mandate, Ontario will have a set of provincial planning goals which have been subject to consultation and hopefully agreed upon, and will be given a legal expression which is consistent for all provincial goals. From AMO's perspective, the legislative amendment is a specific policy for achieving broader provincial planning goals which should first be subject to debate and agreement and should have a consistent form of legal expression.

Housing Policy Statement

Even if the Sewell Commission was not in place, AMO would question this action in terms of current accepted practice. Since the passing of the *Planning Act 1983*, provincial policy statements issued under section 3 of the *Act* have become the accepted means for expressing provincial planning goals and policies. Certainly, policy statements have not been entirely successful, or in some cases, fully supported. In its first submission to the Sewell Commission, AMO discussed some of the problems with policy statements such as their inflexibility for addressing local variations and approaches towards meeting overall planning goals and objectives. However, the Association argued that problems could be addressed partly through the articulation of broad policy statements at the provincial level permitting adaptation and implementation by municipal governments at the local level.

This proposed legislation is a marked departure from this accepted practice. AMO and municipalities take major exception to the statement in the consultation paper that "so far, few municipalities have implemented the provisions for apartments in houses that are in the Housing Policy Statement. Since apartments in houses have many advantages, the time has come to take further action."

Under the requirements of the housing policy statement many of the 104 "priority" municipalities which were required to implement the statement by August, 1991, have conducted comprehensive official plan reviews and housing intensification studies. In fact,

AMO's survey of the 104 priority municipalities conducted in the August 1991 revealed that many municipalities were in the process of or had completed housing intensification studies, public meetings or municipal housing statements to implement the provisions of the housing policy statement.

Secondly, this legislation would apply to all 832 municipalities, 728 of which were not required to implement the policy statement by the August 1991 deadline.

AMO would also argue that this legislative action is contrary to the housing policy statement. Section 5.1.a sets out three criteria that have to be met before permitting forms of housing intensification. The section requires that areas be designated within official plans where each form of Residential Intensification will be permitted. These uses are to be permitted in areas which meet the following criteria:

- the physical potential of the existing building stock or previously developed sites can accommodate the identified forms of Residential Intensification;
- the existing services can support new households in the affected area; and,
- the potential demand for these forms of accommodation, based on the housing needs of the composition of households in the broader community, in relation to the typical characteristics of units which could be produced through the various forms of Residential Intensification, can be demonstrated.

The policy statement therefore recognizes that intensification is not possible or appropriate in all residential areas. In its report, *The Implementation of the Land Use Planning for Housing Policy Statement*, AMO argued that the criteria should include local criteria such as the compatibility of a proposal with the existing character of a neighbourhood in order to address concerns about the impacts of housing intensification on existing neighbourhoods. AMO further argued that the criteria for change should be determined through a local consultative process and not be centrally established and applied uniformly across all communities.

This legislative action is a radical step away on both fronts, that is, contrary to the accepted practice of policy statements as the means for expressing provincial interests in the planning process, and contrary to the current requirements of the land use planning for housing policy statement.

2.2 Municipal Zoning Authority

The draft legislation would have the effect of rewriting municipal official plan policies and rezoning residential areas across the province. Under the *Planning Act*, municipalities are given the authority to enact zoning regulations through by-laws adopted in accordance with the procedures set out in section 34 of the *Act*. The proposed legislation overrides the zoning authority which has been delegated to municipalities. This scale of interference with municipal zoning authority is unprecedented.

The role of the Province in regulating zoning standards through legislation must be questioned. The proposed regulations severely erode the municipal authority by setting standards for parking, external changes, size, amenity areas etc. AMO believes local municipalities should maintain the responsibility for setting zoning, development control, and property standards within an overall policy framework established by the Province. As argued in the previous section, the Province's role should be limited to that of expressing its objectives in policy statements; any changes to this should be debated and discussed within the overall review of the planning system being conducted by the Sewell Commission.

AMO further questions this action on the basis of government responsibility and accountability. Municipal councils have delegated responsibility and accountability for zoning. Their constituents understand this and expect councillors to account for planning and zoning decisions which affect them and their neighbourhoods.

This legislative intrusion has an uncomfortable resemblance to that of mandated provincial programs where ministries make program and policy decisions which municipalities must implement and finance. In this case, the Province is legislating the rezoning of

neighbourhoods, an action which will be implemented locally through required amendments to zoning by-laws and official plans. Municipalities will be held responsible and accountable for these changes yet have not had input and in most cases did not support the policy change in the first place.

It goes without saying that complaints and concerns about the introduction of changes such as new permitted housing forms into neighbourhoods are directed to municipal staff and politicians. With respect to accessory apartments most municipalities already have enough experience to know what this will mean. For illustration, complaints data for City of Brampton for a one month period in 1992 revealed that of 161 complaints, 61% were related to accessory apartments and 25% of the total were specifically about the existence of an accessory unit.¹

Under the *Planning Act* municipalities are required to conduct public meetings on official plan and zoning by-law amendments. Site specific applications dealt with at committees of adjustment are also open to public input. This legislation will effectively override approved zoning by-laws without public consultation and without appeal. The Province will also not be consulting the public on this legislative change.

AMO argued in its report *The Implementation of the Land Use Planning for Housing Policy Statement* that as-of-right zoning virtually removes any possibility of locally determined criteria for community change. Just as neighbourhoods have developed with varying local criteria within a broad planning framework, so should neighbourhoods be able to change in the same manner. To date, the Provincial Government has focused on centrally mandated criteria for change rather than establishing a planning framework and consultative process for determining the criteria for community change at the local level.

2.3 Municipal Authority to Establish Local Housing Policies and Priorities

As stated previously, most of the 104 "priority" municipalities required to implement the housing policy statement by August 1991 have conducted housing and planning studies and developed official plan policies and

amendments to put in place comprehensive housing policies to address the objectives of the policy statement. Many municipalities have been working conscientiously to implement the statement including conducting their own surveys of demand for accessory apartments. In some areas, municipalities are in the midst of developing their housing intensification policies. While AMO has many documented concerns with this policy statement, the Association does support that the development of local housing policies and strategies should be a municipal responsibility.

AMO has also supported a greater municipal role in planning for housing. In response to the *A Housing Framework for Ontario* the Association supported greater local decision-making in the development and management of housing and basing government spending on an overall housing strategy for communities, not on a program-by-program basis. AMO also argued that the Provincial Government should recognize the expertise of municipal governments and provide incentives for more involvement in different housing programs. Examples of incentives include giving greater flexibility and autonomy in the administration of housing programs by delegating program delivery responsibility (for all housing programs and including allocations) to upper tier municipalities where requested.

As a further follow-up to the housing framework consultation, AMO has continued to support greater municipal leadership and discretion in the local application of provincial housing policies and programs. Recently, AMO communicated to the Province the Association's support in principle for the Ministry of Housing's proposal for a "municipal menu" of existing housing stock programs. The menu would combine rehabilitation and intensification housing programs into a single funding package; municipalities, if they chose to deliver, would be allocated a block fund which they would distribute amongst the selection of programs most suited to their needs and geographic location. AMO believes that this proposal has many merits including providing greater flexibility to municipalities who could prioritize funding amongst different types of programs depending on local needs and demands. It will improve the consistency between programs leading to a better and more efficient provision of services. AMO is also pleased that in this case the Ministry has recognized the benefits of greater municipal empowerment and

flexibility in making decisions on the best way to allocate resources in support of the existing housing stock.

In sum, AMO has advocated and municipalities have begun to take on a more active role in developing comprehensive housing policies for local communities. And in some cases the Province has recognized the benefits of supporting and encouraging this role. However, with this proposed legislative action the Province is both negating municipal efforts to plan for and develop housing intensification policies appropriate to their communities and reducing the municipal authority to implement these policies.

2.4 Planning Implications

Servicing

Municipalities are also concerned about the impacts of accessory units on existing hard and soft services. Servicing capacities are based on the design density of residential developments. When residential areas are zoned or rezoned, planning studies are conducted to ensure that adequate servicing is available or can be provided. These studies are conducted prior to development or rezoning.

Servicing concerns include sewer and water capacities, and the ability to accommodate increased parking and traffic demands. For rural areas it includes the environmental impact of additional units on residential lots currently serviced by wells and/or septic systems. For soft services it includes uncertainty as to whether increased demands on schools and recreation facilities (some of which are currently at or over capacity) can be accommodated.

Therefore this legislation not only overrides current zoning but also excludes "planning" to ensure that the necessary services are available to accommodate the residential densities permitted.

Inequities result from allowing growth as-of-right on a broad basis without clarifying whether this growth should be financed out of general municipal revenues or from development charges. Whether the net growth-related capital costs of intensification are leviable or not remains an issue which to date has not been addressed.

Implications of
Terminology: Apartments
in Houses or Accessory
Apartments?

The proposed regulations state that municipalities may not regulate the size of either of the two permitted units in a house. Two units of any size are therefore possible subject only to the lot coverage and yard requirements of the specific zone. This is more like "duplexing" and effectively eliminates the notion that the apartment would be subsidiary to the principal residence. This means that two units of equal size could be created and offered as rental apartments. By taking away the "accessoriness" of apartments, the proposed legislation will lead to "apartments instead of houses" rather than "apartments in houses."

Condominium Townhouses

The definition of residential units includes rowhouses/townhouses. Legal complications could arise with regards to condominium corporation by-laws which may prohibit accessory apartments and/or may include declarations that base condominium fees and parking privileges on unit occupancy.

2.5 AMO's Position on "An Apartment in a House" Draft Legislation

In sum, AMO opposes this legislation for the following reasons:

- The Province should not resort to this legislative approach for achieving its housing objectives through the land use planning system. The Sewell Commission should continue to be the forum for recommending the appropriate means for the Province to express its goals and objectives for the land use planning system. Through its submissions to the Sewell Commission, AMO supports that the Province's role should be confined to setting goals and objectives for planning and municipalities should identify policies for implementing them.
- It is contrary to the accepted practice of policy statements as the means for expressing provincial interest and is contrary to the current requirements of the housing policy statement.
- This is an unwarranted interference with municipal zoning authority. Municipalities will be held responsible and accountable for policy

decisions made by the Province which have not been subject to public consultation and appeal.

- AMO has advocated and municipalities have begun to take on a more active role in developing comprehensive housing policies for local communities. This proposed legislative action will both negate municipal efforts to plan for and develop housing intensification policies appropriate to their communities and will reduce the municipal authority to implement these policies.
- The legislation excludes "planning" to ensure that the necessary services are available to accommodate the residential densities permitted.

Based on the above fundamental issues AMO is strongly opposed to the draft legislation to permit "an apartment in a house" and calls on the Province not to proceed with the introduction of legislation.

Recommendation 1

AMO strongly opposes the draft legislation to permit "an apartment in a house" as-of-right and calls on the Province to withdraw its proposed legislation.

3 Other Legislative Issues Addressed in the Consultation Paper

There are two other legislative changes introduced in the consultation paper: changes regarding garden suites and unrelated persons forming single housekeeping units.

3.1 Garden Suites

Originally called "granny flats", garden suites are a special class of accessory units. They are separate, self-contained units that are typically located in the side or rear yards of an existing house. They usually house an

elderly or disabled person who wants an independent living area but also needs the support of family or friends living in the main house.

The Province is proposing regulatory changes to provide a better framework for those municipalities wishing to consider this option. Municipalities are not being required to permit this type of housing if they choose not to.

In AMO's response to the consultation paper, *A Housing Framework for Ontario*, the Association supported granny flats as a form of housing intensification subject to the resolution of regulatory issues. Regulatory issues which have arisen from this type of unit include how to assure their temporariness. Furthermore, some have argued that the process of renewing temporary use by-laws (currently a three-year limitation) is lengthy and costly, causes uncertainty, and may discourage the provision of these units.

AMO recommended the following amendments to address two main concerns: ensurance that units would be removed at the end of their intended use; and change to the current limitation period of temporary use by-laws.

The consultation paper proposes amending the *Planning Act* to allow municipalities to pass a by-law to permit the placement of a garden suite for up to 10 years. Such a by-law, like any other temporary use by-law, would be applied to a specific area or site. The *Municipal Act* would be amended to allow municipalities to enter into garden suite agreements to require people who want garden suites to meet reasonable terms and conditions relating to issues such as installation, maintenance or removal, and the period of occupancy.

AMO supports these legislative amendments subject to the some additional clarifications noted in its recommendation.

Recommendation 2

AMO recommends that the proposed amendments pertaining to garden suites be subject to the following clarifications:

- that the terms and conditions of the agreements include restricting the occupancy of garden suites to elderly or disabled relatives of the homeowner; and
- that express provision be made that municipalities continue to have the authority to regulate the type of construction, size, height or bulk of these suites (i.e. an enabling statement in the Planning Act allowing municipalities to apply site plan control to garden suites).

3.2 Unrelated Persons Forming a Single Housekeeping Unit

The Province intends to amend the *Planning Act* to make it clearer that zoning distinctions based on the relationships between people who form a single housekeeping unit (not defined) are not permitted. The changes would involve repealing section 35, and the inclusion of provisions addressing the related/unrelated issue in section 31 and 34, and in the new section 35.

In 1989 the Province enacted Section 34a under the *Planning Act, 1983* (Bill 128) which declared provisions in municipal zoning and interim control by-laws distinguishing between related and unrelated persons in respect to the occupancy of a building to be of no force or effect.

At first it may appear that the inclusion in the consultation paper of this issue is an anomaly. However, it is consistent with one of the reasons AMO believes the Province has for pursuing these legislative amendments. While this is an issue more to do with lodging and rooming house, it arises in response again to the Ministry's assertion that municipalities are not appropriately implementing the provisions related to housing intensification as set out in the housing policy statement.

In its report, *The Implementation of the Land Use Planning for Housing Policy Statement*, AMO reasserted its concerns and position on the issue of distinguishing between related and unrelated persons. AMO has expressed strong support for the municipal authority to restrict the numbers of unrelated occupants which reside in one dwelling unit. In the past, use of the definition of "family" within municipal by-laws was the means of such regulation. AMO has disagreed with the argument that to regulate on the basis of related or unrelated occupants is a form of discrimination. AMO has argued that various OMB and court cases have determined that the provisions of the *Planning Act, 1983* under sections 34 and 37 are not discriminatory.

AMO continues to believe that Section 34a of the *Planning Act, 1983* (Bill 128) should be repealed, thereby restoring the municipal authority to restrict the numbers of unrelated occupants which reside in one dwelling unit. If Section 34a is not repealed, then AMO believes there is sufficient evidence warranting the legal testing of the section (i.e. refer it to the Court of Appeal) to determine whether the regulation of occupancy on the basis of relationship is discriminatory (i.e. contravenes the Charter of Rights and Freedoms).

The Province has not responded to this position and as a result many municipalities have been looking for alternative ways to restrict the numbers of unrelated occupants which reside in one dwelling unit. AMO supports these efforts and believes that zoning tools which limit the number of unrelated occupants of a building are legitimate planning tools.

The first municipal by-law to be contested for its effort to limit the number of unrelated occupants in a dwelling unit was the City of Guelph's lodging house by-law. In January 1992 the Ontario Municipal Board delivered its decision in the matter of the Ministries of Housing and Municipal Affairs appeal against the City's by-law.² The OMB ruled in favour of the City; its decision is significant because it is the first lodging house by-law to be passed by any municipality since the housing policy statement was approved and the definition sections under consideration could be a precedent for lodging house by-laws in other municipalities in the future. It is also the first lodging house by-law to be approved since the enactment of Section 34a of the *Planning Act*.

The Board's decision included the following significant observations and arguments:

- The Ministries' definition of a lodging house included the words "which functions as a single housekeeping unit." The Board argued that these words are vague and that it would be very difficult to prove in court whether a household was or was not functioning as a single housekeeping unit.
- The Board noted in its decision that there was an undercurrent that ran through the hearing and in particular by counsel for the appellant Ministries and their witnesses. The concern hinted from time to time was that somehow the by-law was contrary to Section 34a of the *Planning Act* or in violation of the Canadian Charter of Rights and Freedoms. While no credible evidence was given to support the concern and the matter was not argued before the Board, it was nevertheless present throughout the hearing and for that reason the Board mentioned it in its decision.
- The Board stated that "if it is in fact a group of people living together, regardless of whether they are related to each other or not, but living together and paying rent in some way for their accommodation, then it is a lodging house and it ought to be regulated as such. Exhibit Number 28 [the Ministries' proposed lodging house definition] is really nothing more than a device to avoid regulation in some circumstances that ought to be caught [i.e. regulated]."
- "The Board believes there is a difference between the usual detached home of 3.1 or less persons per household and a lodging house as permitted by the By-Law. Limiting the density by use of a minimum distance separation formula, and a limit on the number of occupants of a building, are perfectly legitimate planning tools, and in our view, desirable planning tools when the built form of all the residential stock looks like low density housing and will remain so."

AMO is very concerned that the Province is resorting to this legislative action in response to its unsuccessful appeal to the OMB. In many ways this

action is similar to that taken by the Province with respect to Bill 128 which was also enacted in response to OMB hearings which at that time upheld municipal by-laws which made zoning distinctions based on the relationship of occupants of a residential unit. Now the Province is again reacting to a Board ruling it doesn't agree with by introducing legislation to prevent municipalities from limiting the number of unrelated occupants of a residential unit.

This raises serious questions about the legitimacy of OMB hearings and decisions.

Recommendation 3

AMO strongly opposes the proposed legislative amendments concerning unrelated persons. The Guelph decision should prevail and AMO reasserts its position that the Province should repeal Section 34a of the *Planning Act* or refer it to the Court of Appeal.

4 OTHER OPTIONS FOR SUPPORTING MUNICIPAL HOUSING INTENSIFICATION POLICIES

In its report, *The Implementation of the Land Use Planning for Housing Policy Statement*, AMO proposed that if the Province wants to ensure greater acceptance of housing intensification, then it should look at providing municipalities with the legislative supports to enable them to ensure that the housing provided is safe, properly operated and maintained; and that the necessary services to support these units are available or can be provided and financed. Many municipalities have taken the approach that they will implement as-of-right zoning if the Province provides the necessary legislative authority for municipal regulation of the various forms of housing intensification. This proposal is elaborated on below.

4.1 Implement Regulatory, Enforcement and Financial Measures

Regulatory and enforcement issues have come forward in response to concerns about unsatisfactory housing conditions which could lead to substandard housing. Also, part of the exercise of developing housing intensification policies involves trying to increase neighbourhood acceptance of these housing forms. In many cases, community acceptance would be increased if there were improvements in regulations and the enforcement of municipal by-laws.

In addressing these regulatory and enforcement issues, AMO called on the Province to make a commitment to a process for the resolution of housing intensification issues. AMO has argued that municipalities need assistance in achieving enforcement objectives through either regulation or licensing authorities.

Right of Entry

In its report AMO called on the Province to amend the *Planning Act* to provide municipal inspectors increased powers of entry to ensure compliance with municipal zoning and property standards by-laws. This recommendation was made in response to the limited ability of municipalities to enforce zoning and property standards by-laws due to inadequate right-of-entry powers. For example, if municipal inspectors suspect that a building has been converted in contravention of municipal standards, they are often unable to gain entry into the residence in order to prove the violation. If denied entry, they are required under the *Planning Act* to obtain a search warrant, specifying the evidence to be seized. If the violation relates to the building's physical condition it is not usually possible to identify the type of evidence to be seized, if any.

Recommendation 4

AMO supports the proposed amendment to sections 31 and 49 of the *Planning Act* to allow the issuance of search warrants, without requiring that evidence be seized, or even specified.

The remainder of this section presents the arguments and recommendations contained in AMO's report, *The Implementation of the Land Use Planning for Housing Policy Statement*. A list of the recommendations is contained in Appendix 'A'. To date, the Province has not formally responded to these recommendations.

Financial

The financial implications of accessory units was recently illustrated in a position paper prepared by the Region of Peel Consultation Committee on Accessory Apartments and Rooming, Boarding, and Lodging Houses.³ The paper notes that there are limited ways for municipalities to generate revenue from new accessory apartments. Under the *Assessment Act* a dwelling with an identifiable accessory unit generates the same tax assessment as a dwelling with a finished, and unrented, basement. The assessment is based on the value of the building only, not on the potential to generate income. A general guideline is that if the accessory unit increases the market value of the property by \$5000.00 or more the assessed value of the property increases. However, the market value of many of these properties does not increase by \$5000.00 and therefore municipalities are unable to obtain additional revenue. This is due in part to the base years used to assess properties.

As an example, the report illustrates that for an assessed value increase of \$2970.00 (market value exceeds \$5000.00) results in \$45.68 of additional revenue per annum. Therefore, even when revenue can be generated for an accessory apartment, it is minimal.

The *Development Charges Act* does not recognize accessory apartments as development. The City of Mississauga estimates a loss of development charge and tax revenues of ten million dollars if an additional 2300 accessory units were to be built. Similarly the Region of Peel has estimated a loss of development charge and tax revenues of over 5.7 million if 2000 additional accessory units were to be built.

The position paper also suggests that one option would be to assess accessory units in a way similar to a duplex. Under the *Assessment Act* duplexes are assessed as separate units; in most cases duplexes generate more income than accessory apartments.

In its report on the housing policy statement, AMO also made the recommendation that accessory units be assessed for residential property taxes as separate units. Regardless of the appropriate mechanism for assessment (e.g. by assessing as duplexes or some other way), AMO's principle was that under the *Assessment Act* a dwelling with an identifiable accessory unit should generate more tax assessment than a dwelling with a finished, and unrented, basement. The appropriate means of assessment to achieve this should be determined.

Licensing Accessory Units and Owner Occupancy Controls

Some municipalities have expressed concern with property maintenance standards in absentee-owner properties. In its report, AMO suggested that municipalities be permitted to pass by-laws licensing and regulating accessory units. This was based on the argument that absentee-owned rented-out houses merit additional controls because they generate a grossly disproportionate number of complaints and problems for municipal by-law officers. It was not intended to prohibit absentee-owned units; owner occupancy units would be freed of most controls while absentee-owned ones would be more strictly controlled through licensing to achieve regulatory objectives such as property maintenance.

Court Procedures

Property standards by-laws attempt to address some of the problems associated with poor property maintenance. However, AMO noted in its report that cases are slow to get to court, often fines or other costs cannot be collected, or enforcement of prohibition orders requires extensive work and effort to take the case through the courts. AMO therefore proposed enforcement changes to achieve a more expeditious and cost-effective process for dealing with these issues.

Anyone contravening a municipal by-law is liable to a conviction; where a conviction is entered, an order may be made to prohibit the continuation or repetition of the offence by the persons convicted. Currently, a provincial judge is the issuing judge of a prohibition order. To enforce such an order, an application must be made to a higher court, despite the fact that the order was issued by the provincial court. This results in additional time and costs and make the enforcement of the prohibition order impractical.

Therefore, it is recommended that court procedures be amended to permit a Prohibition Order to be enforced by the Court granting such an order. This would enable the issuing court to implement and carry through the order and effectively represents the streamlining of enforcement.

Another cost-effective and expeditious way of dealing with by-law infractions could be the establishment of a Municipal By-Law Court. In making its recommendation, AMO believed there is a need to develop a judicial body with the expertise in issues related to municipal by-laws and enforcement.

Expediting court procedures could address both by-law enforcement issues and legitimate homeowner/landlord concerns with regards to tenants. Statutory delays coupled with dilatory court procedures can slow down the process intolerably preventing this as a reasonable avenue for landlords.

AMO's Proposal and Province's Response

These and other measures could be addressed towards advancing the objectives of housing intensification. The difference between the Province's proposed legislation and AMO's proposal is fundamental. AMO prepared its report on the *Implementation of the Land Use Planning for Housing Policy Statement* with the belief that municipalities and the Provincial Government would be better served by a cooperative approach for resolving issues related to the implementation of the policy statement. AMO believed that from both the provincial and municipal points of view, the implementation of the statement was not proceeding effectively, its goals were not being achieved and therefore there was a need to address municipal and provincial concerns in a comprehensive and cooperative manner.

The Province has not responded to AMO's invitation to address these issues and despite initial commitments to formally respond to AMO's report, no provincial review or report has been received. The Government states that the policy statement continues to be a priority yet at the same time it has not worked with the municipalities, the level of government responsible for implementing the provisions of the statement, to resolve issues and concerns. Instead, the Province has responded with this legislative action.

5 CONCLUSIONS

AMO's response focuses on questioning the fundamental basis of the Province's policy decision. The Association believes that the Province should not resort to this legislative approach for achieving its housing objectives through the land use planning system and that the Sewell Commission should continue to be the forum for recommending the appropriate means for the Province to express its goals and objectives for the land use planning system; the action is contrary to the accepted practice of policy statements as the means for expressing provincial interest and is contrary to the current requirements of the housing policy statement; it is an unwarranted interference with municipal zoning authority; the proposed legislative action will both negate municipal efforts to plan for and develop housing intensification policies appropriate to their communities and will reduce the municipal authority to implement these policies; and the legislation excludes "planning" to ensure that the necessary services are available to accommodate the residential densities permitted.

Based on these arguments, AMO is strongly opposed to the Province's draft legislation to permit "an apartment in a house" and calls on the Province not to proceed with the introduction of legislation.

6 SUMMARY OF RECOMMENDATIONS

Recommendation 1

AMO strongly opposes the draft legislation to permit "an apartment in a house" as-of-right and calls on the Province to withdraw its proposed legislation.

Recommendation 2

AMO recommends that the proposed amendments pertaining to garden suites be subject to the following clarifications:

- that the terms and conditions of the agreements include restricting the occupancy of garden suites to elderly or disabled relatives of the homeowner; and
- that express provision be made that municipalities continue to have the authority to regulate the type of construction, size, height or bulk of these suites (i.e an enabling statement in the *Planning Act* allowing municipalities to apply site plan control to garden suites).

Recommendation 3

AMO strongly opposes the proposed legislative amendments concerning unrelated persons. The Guelph decision should prevail and AMO reasserts its position that the Province should repeal Section 34a of the *Planning Act* or refer it to the Court of Appeal.

Recommendation 4

AMO supports the proposed amendment to sections 31 and 49 of the *Planning Act* to allow the issuance of search warrants, without requiring that evidence be seized, or even specified.

ENDNOTES

1. Region of Peel Consultation Committee, *Position Paper: Accessory Apartments and Rooming, Boarding and Lodging Houses*, June 1992 (unpublished; not Council-endorsed).
2. Ontario Municipal Board, R 9000436, Decision delivered by A.J.L. Chapman, January 22, 1992.
3. Region of Peel Consultation Committee, *Position Paper*.

APPENDIX A - PREVIOUS AMO HOUSING INTENSIFICATION RECOMMENDATIONS

The following recommendations were contained in AMO's report, *Implementation of the Land Use Planning for Housing Policy Statement: Issues and Recommendations* (Report 91-19).

Recommendation 15

AMO recommends a housing intensification policy which requires that municipalities designate areas within their official plans where each form of Residential Intensification will be permitted. These uses should be permitted in areas which meet the stated provincial criteria and locally determined criteria for as-of-right conversions.

Recommendation 16

The *Planning Act* should be amended to provide municipal inspectors powers of entry to ensure compliance with municipal zoning and property standards by-laws as is provided under the proposed amendments to the Building Code (Bill 112).

Recommendation 17

AMO recommends the amendment of Court Procedures to permit a Prohibition Order to be enforced by the Court granting such an order.

Recommendation 18

AMO recommends that legislation be enacted to permit the creation of Municipal By-Law Courts to deal with all by-law infractions and Building Code violations.

Recommendation 19

AMO recommends that the *Municipal Act* be amended to permit municipalities to pass by-laws for licensing and regulating accessory units.

Recommendation 20

AMO recommends amending Sections 38 (Temporary Use By-Laws) and 44 (Minor Variances) of the *Planning Act* to permit municipalities to enter into agreements with owners as a condition of permission granted under the authority of those Sections, and to provide that these agreements are able to be registered against the land to which they apply and enforceable against any and all subsequent owners of the land.

Recommendation 21

AMO recommends that the Province introduce landlord and tenant legislation that recognizes the unique characteristics of owner-occupancy in order to provide a further incentive for homeowners to provide accessory units.

Recommendation 22

AMO recommends that accessory units be assessed for residential property taxes as separate units, in a similar way in which duplexes are assessed under the *Assessment Act*.

Recommendation 23

AMO recommends that the Provincial Government either repeal Section 34a of the *Planning Act, 1983* (Bill 128) or refer Section 34a to the Court of Appeal.

Recommendation 24

AMO recommends that the Provincial Government work in cooperation with AMO and municipalities to resolve issues related to the licensing and regulation of rooming, boarding and lodging houses, and student housing.

APPENDIX B - ACKNOWLEDGMENTS

The Association of Municipalities of Ontario would like to thank the following members of its Housing Task Force who volunteered their time to help produce this response.

Robert Brown, Councillor, City of Waterloo
Marni Cappe, Manager, Housing Policy, Regional Municipality of Ottawa-Carleton
Gregg Barrett, Planning Administrator, City of London
Terry Kingsmill, Housing Analyst, Regional Municipality of Peel
Howard Moscoe, Councillor, Municipality of Metropolitan Toronto
John Robinson, Coordinator of Housing Loans, City of Hamilton
Vykki Silzer, Sr. Planner, City of Toronto
Ray Steinke, Planner, City of Guelph
Keith Ward, Director, Policy and Development, Peel Non-Profit Housing (Chair)
Wendy Wright, Commissioner of Planning, City of Cambridge

Evelyn S. Ruppert, Senior Policy Analyst (AMO staff)

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THE CORPORATION OF THE CITY OF LONDON

2 b)



October 1, 1992

Mary Lynn Metras
COUNCILLOR

1-(519)-661-4887 City Hall:
1-(519)-661-5933 City Hall: Fax



The City of London
300 Dufferin Avenue
London, Ontario N6B 1Z2

LONDON
Ontario, Canada

Alderman Don Drury
Hamilton City Hall
71 Main Street
Hamilton, Ontario
L8N 3T4

Dear Alderman Drury:

Further to our telephone conversation, I am pleased to send you for your information a copy of the City of London's position regarding "Apartments in Houses: A Consultation Paper on Legislative Amendments to Allow One Apartment in a House".

If you wish to discuss this matter further, please feel free to contact me.

Sincerely

M. L. Metras

Mary Lynn Metras
Councillor, Ward 2
lvz

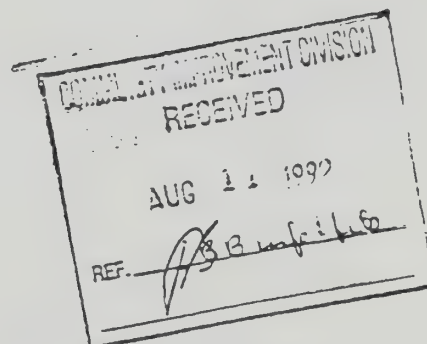
enclosure



DEPARTMENT OF THE CITY CLERK
K.W. SAULER, CITY CLERK

August 5, 1992

Honourable Evelyn Gigantes
Minister of Housing
Ministry of Housing
17th Fl.-777 Bay Street
TORONTO, ON M5G 2E5



Honourable Dave Cook
Minister of Municipal Affairs
Ministry of Municipal Affairs
14th Fl.-777 Bay Street
TORONTO, ON M5G 2E5

I hereby certify that the Municipal Council, at its session held on August 4, 1992 resolved:

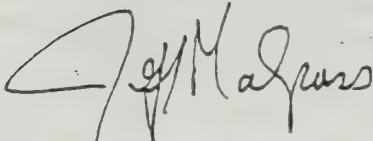
2. That, on the recommendation of the Director of Planning and Development, the attached response to the consultation paper prepared by the Ministers of Municipal Affairs and Housing dated June 1992 and entitled "Apartments in Houses: A Consultation Paper on Legislative Amendments to Allow One Apartment in a House" BE ADOPTED as the City's initial position in opposition to the draft legislative amendments to the Planning Act and the Municipal Act on the understanding that a further response will be forthcoming following a public participation meeting to be held by the Planning Committee on August 31, 1992 at 7:30 p.m. in the Council Chambers, noting that the Ministers of Municipal Affairs and Housing and the Local Members of the Legislative Assembly of Ontario are invited to attend this public meeting; it being pointed out that the City's opposition to the draft legislation is on the basis that:

- (a) the City of London unequivocally opposes the universality of the "as of right" legislation being proposed due to the fact that the "as of right" principle is not appropriate since many properties are incapable of accommodating an accessory apartment or a granny flat;

(b) the Provincial Government's approach to residential intensification and the provisions of affordable housing through the proposed legislative changes are neither necessary nor desirable for the City of London; and

(c) the introduction of such legislation without public notice in accordance with the intent of Ontario Regulation 404/83 is inappropriate.

(37.1.1.)(2/21/PC)AS AMENDED



for K. W. Sadler

City Clerk

/cg

Attach.

cc: Honourable Marion Boyd, 637 Dundas Street, N5W 2Z1
David Wnninger, M.L.A., 840 Wellington Road S., N6E 1L9
Dianne Cunningham, M.L.A., 119-1135 Adelaide St. N., N5Y 5K7
Irene Mathyssen, M.L.A., 1905 Oxford St. E., 2nd Fl., N5V 2Z7
Association of Municipalities of Ontario, 701-250 Bloor St. E., Toronto,
M4W 1E6
R. A. Blackwell, Suite 1014
D. B. Durton, Suite 1006
K. L. Perry, Suite 708
✓ H. A. Pulver, Suite 710
G. Barrett, Suite 609

RE:

RESPONSE TO THE CONSULTATION PAPER ON LEGISLATIVE
AMENDMENTS TO ALLOW ONE APARTMENT IN A HOUSE

Recommendation:

That, on the recommendation of the Director of Planning and Development, the following response to the consultation paper prepared by the Ministers of Municipal Affairs and Housing dated June 1992, and entitled Apartments In Houses: A Consultation Paper On Legislative Amendments to Allow One Apartment in a House be adopted by Municipal Council as a formal response and position in opposition to the draft legislative amendments to the Planning Act and the Municipal Act on the basis that the Province's approach to residential intensification and the provisions of affordable housing through the proposed legislature changes to the Planning Act are neither necessary nor desirable for the City of London

Background

On June 18, 1992, Housing Minister, Evelyn Gigantes outlined draft legislation to allow homeowners to create an apartment in their homes, and to further allow homeowners to work with municipalities to create garden suites or "granny flats" in their yards. The Minister indicated that both initiatives were in response to "the very real need for more affordable housing in Ontario."

Municipal Affairs Minister Dave Cook, further encouraged municipalities to provide their expertise and experience by responding to the draft legislative before the bill is introduced in the fall session of the Legislature; it being pointed out that the Ministry of Housing and the Ministry of Municipal Affairs have established an August 31, 1992 deadline for written submissions.

On June 29, 1992, the Planning Committee issued the following directive:

"The Planning Committee, at its meeting held on June 29, 1992, requested the Director of Planning and Development and the City Solicitor to draft a clear and factual response in opposition to the proposal announced on June 18, 1992 by the Honourable Evelyn Gigantes, Minister of Housing, with respect to draft legislation for the creation of apartments in houses (granny flats) and to communicate with other municipalities with similar concern over the fact that although housing intensification can be supported, where appropriate, the global approach of the proposed legislation that will effect everyone cannot be condoned.

It is the Committee's request that this draft response be submitted to its meeting to be held on July 27, 1992. The Committee agreed to hold a public participation meeting either on July 27 or at its meeting to be held on August 31, 1992 (37.1.1)(33/19/PC)

Introduction

The draft legislation contained in the consultation paper is intended to amend the Planning Act and the Municipal Act to permit second units "as of right" for all properties currently zoned for detached, semi-detached and rowhouse dwellings; to improve municipal powers of entry; to assist unrelated people who form a single housekeeping unit; and to assist municipalities in accommodating garden suites, also known as "granny flats."

The proposed amendments to the Planning Act do not take into consideration the need for the type of dwelling units which would be created within each municipality in Ontario. Instead, a "global" approach through legislative amendments as proposed suggests that the need for additional rental housing stock is the same for every municipality. The apartment vacancy rate as reported by CMHC for Ontario census metropolitan areas in April 1992 for buildings with 3 or more units ranged from a low of 1.4 per cent in Ottawa to a high of 4.4 per cent in Oshawa. The City of London had one of the highest vacancy rates among major metropolitan centres for this time period at 4.1 per cent. Generally, a vacancy rate of 2 per cent or higher does not indicate a shortage of rental units.

The attached position paper Appendix A, was approved by the Community Housing Advisory Committee on May 19, 1992, and expresses concerns about the proposed amendments to the Planning Act.

Proposed Legislative Amendments

Planning Act

Section 1:

This section is proposed to be amended to include a definition of residential unit. This term is not currently defined within the Planning Act. The definition as proposed does not appear to constitute any adverse impact in the City, however, some clarification of these definitions, or reference to the Ontario Building Code may be made.

Section 16:

This section is proposed to be amended to preclude any restrictions within an Official Plan on the provision of a second unit within any "prescribed class of detached house, semi-detached house or rowhouse situated in an area where residential use is permitted by By-law". There is also a proposed amendment, or "provision of no effect," which would essentially not permit any municipality from restricting second units within residential units through any policies within its Official Plan.

Section 31:

In the same way as above, this section of the Planning Act is amended to preclude any municipality from enacting any by-law under purview of this section which would prohibit a second unit within any residential unit. This section currently permits municipalities to establish standards for maintenance and occupancy, inspection, and entry into a dwelling place.

A further amendment to this section would not permit any municipality from establishing any by-law which would allow the municipality to distinguish residential units on the basis of relationship. This would mean that a municipality could not establish a by-law that would permit the establishment or creation of a second unit for members of the same family only. This amendment would appear to ensure the "universality" of this proposed legislative change, in that a municipality must permit the creation of a second unit "as of right" in all residential zoning districts, and that the municipality may not prescribe the occupants of these second units.

in its preamble to this draft regulation, the Minister, providing powers to municipalities to enforce minimum standards for dwelling units by making entry to dwelling units "easier" than is now the case.

Section 35:

This section, which currently prohibits municipalities from passing any by-law which distinguishes on the basis of relationship, is repealed, and replaced with prohibitions on municipalities to enact any by-law which would prohibit the addition of a second residential unit in any residential structure, as well as prohibitions on distinguishing on the basis of relationship. The section is further amended to include a "provision of no effect."

Section 39:

This section currently describes "temporary use provisions," and is amended to include a definition of a "garden suite," and allows municipalities to authorize the temporary use of these garden suites. This section is further amended to permit the "temporary use term" of these garden suites for up to ten years. All other "temporary uses" permitted under this section are up to three years, as is currently the case.

Section 49:

This section currently permits entry and inspection where a contravention of section 35 (zoning by-law) or section 37 (interim control by-law), and is amended to permit entry and inspection where there are reasonable grounds to believe that there is an offence under section 31 (standards for maintenance and occupancy) and section 67 (penalties for offenses). Other amendments to this section include the term of the warrant issued under this section, and hours of entry.

Section 70:

This section is amended to add regulations prescribing the types and standards for which the Act applies.

Municipal Act:

The proposed legislative changes include an amendment to section 210 of the Municipal Act which would permit municipalities to enter into agreements relating to garden units (granny flats).

Notification Requirements

Section 17 of the Planning Act requires that where a municipality endeavours to prepare an Official Plan for adoption by Municipal Council, sufficient information be made available for public input, and that at least one public meeting be held to make this information available. Such a meeting is to be held not sooner than thirty days after the requirements for the giving of notice have been complied with. The intent of this meeting is to provide the opportunity for individuals to make representation in respect to the proposed plan.

Section 34 of the Planning Act refers to the passing of Zoning By-laws for the purpose of restricting land use and implementing the policies of the Official Plan for a municipality. Section 34 (12) (13) requires that Council ensure sufficient information is made available to the public to assist their general understanding of the proposed Zoning By-law, and that at least one public meeting be held to convey any available information. Further, this meeting cannot be held sooner than twenty days after the requirements for the giving of notice have been complied with. The intent of this meeting is to provide the opportunity for individuals to make representation in respect of the Zoning proposal.

of provincial interest. Notification requirements under Section 3 (3) require that where a policy statement is issued under Section 3 (1), the Ministry shall cause the statement to be published in The Ontario Gazette and further notice in such manner considered appropriate be given to affected agencies including municipalities. Municipalities must "consider" policy statements during an Official Plan review and "have regard for" policy statements when amending planning documents.

In amending the legislation relating to apartments in houses as is currently proposed, the Ministry has precluded any meaningful opportunity for municipalities to demonstrate how issues such as "affordable housing" are being addressed through local government policy formulation, and in view of local circumstances.

The August 31, 1992, deadline for written submissions that has been established by the Ministry may preclude many municipalities from providing opportunities for public input and participation. This is viewed as unfair to the many homeowners in the Province who will be affected by this proposed legislation.

Analysis:

Density and Unit Size

The Ministry suggests that the addition of a second unit to an existing structure will have no physical effect or impact on the surrounding area. However, such a change will effectively double the existing density of former single family areas. In the City of London, many residential neighbourhoods are comprised of small lots containing modest homes where the addition of a second unit is certain to result in the over-use of many properties.

The proposed legislation further suggests that there shall be no minimum unit size for existing structures that are proposed to add an additional unit, or minimum size requirements for the additional unit, that is, property standards in excess of those required for existing units are not permitted. The City's current Z-1 by-law establishes the minimum single family dwelling unit size as 70 m². This by-law also states that the minimum size of converted units is "as required by the Ontario Building Code." For a bachelor unit, this would be approximately 270 sq ft (25 m²), 365 sq ft (34 m²) for a one bedroom unit, and 460 sq ft (42.7 m²) for a two bedroom unit. These measurements for converted units are all exclusive of space for halls, closets, etc. For all other units (new construction), the current City standard is 398 square feet (37 m²) for a bachelor unit, plus an additional 108 square feet (10 m²) per bedroom. The legislation suggests that the minimum size standards shall not exceed the Ontario Building Code standards for bachelor units, and a minimum of 32m² for all other units, regardless of the number of bedrooms. In this regard, the proposed Ministry standards would circumvent the City's standards, and require an amendment to the recently adopted Z-1 By-law. These particular requirements of the Z-1 By-law have not been appealed by the Ministry.

Condominium Tenure (Rowhouses)

The definition of residential units to be considered under the proposed amendments includes any class of detached home, semi-detached home, or rowhouse in areas where residential use is permitted by By-law. If rowhouse condominium units are included this could adversely affect existing condominium by-laws and/or declarations that base condominium fees and parking privileges on unit occupancy.

Approved Z-1 Zoning By-law - Residential R-2 Zones

The approved Z-1 Zoning By-law has zoned many areas within the inner-city Residential R-2 for the purpose of facilitating residential intensification. On a district basis, the five most notable areas are portions of Hamilton Road; East London; North London; South London; and West London. These areas were identified by Municipal Council as areas exhibiting the necessary characteristics to accommodate residential

R2 areas

A survey of city lots within each district revealed that only 25 percent of the lots were able to comply with the zone regulations contained in the original draft of the Zoning By-law for converted dwellings. Accordingly, subsequent revisions to the required lot frontage and lot area regulations within the Residential R-2 (R2-1) Zone (lot frontage: 39.4 ft [12 m] to 34.4 ft [10.5 m]); lot area: 5,005 sq ft [465 m²] to 4,629 sq ft [430 m²]) has increased the percentage of eligible properties from between 42 to 52 percent.

lot area
regmit:

Parking

Current parking standards for the City of London require two spaces for a single detached dwelling unit for all areas of the City. These spaces may be in tandem if required. The proposed legislative changes would not require an additional parking space for an added unit where the existing standard is two spaces or more for a single unit, as is the case for the City of London.

With the exception of the downtown core area, converted dwellings on the periphery of the core and in suburban locations require one additional parking space for each additional unit. Parking policy for the City of London prohibits on-street, overnight parking, and as such, it is necessary for properties that are converted for additional dwelling units to provide adequate parking on-site. Inadequate parking, particularly in residential neighbourhoods, can lead to unsightly spill-over onto public streets, which can also inhibit the efficient movement of traffic. Noise and odour associated with the acceleration and deceleration of automobiles on residential streets can have a negative impact on the residential amenity of neighbourhoods.

Visual Amenity

Many aspects of purchasing a home are considered by the homebuyer before selecting a particular residence. Included in these considerations are the purchase price; proximity to friends and relatives; closeness to the work place; availability of facilities and services; and the overall appearance and comfort of the selected neighbourhood. While this list is not exhaustive, these are some of the basic considerations the homebuyer has some control over when purchasing a home.

The proposed "as-of-right" legislation to permit an additional dwelling unit in single family homes effectively eliminates the "choice" of the homebuyer to purchase a home in a single family neighbourhood. Further, units that are added through additions to existing single family homes can substantially alter the physical appearance of existing streetscapes where additions are placed in side-yards, or where upper floors are expanded to meet minimum unit size requirements.

A Toronto Solution to a Toronto Problem?

A significant concern to the City of London is the blanket application of Provincial standards to local circumstances. According to the City's Affordable Housing Monitoring Report (1991), 65% of the City's existing housing stock can be said to meet the Province's affordable housing guidelines. These guidelines require municipalities to ensure that 25% of new housing be affordable to the incomes of the 60 percentile of the CMA population. As such, the proposed changes to the Planning Act would seem to be unwarranted to the City of London.

15%
lots
AH
guide
lines

Many large urban centres in North America, including the Toronto Region, have experienced considerable growth in recent years. Undoubtedly, essential needs such as "affordable housing" can be difficult to meet in metropolitan areas where real estate values are considerably higher than in secondary communities. With respect to the Toronto Region, it is possible that the supply of affordable housing cannot keep pace with this new demand.

The City of London is considered to be a medium sized municipality with a broad range of income groups. Through intensification initiatives and adherence to "affordable housing" guidelines, London has been able to successfully meet the needs of new populations. As such, the Province's proposal to permit second units "as-of-right" within existing single family homes would appear to be unnecessary to fulfill the housing needs of new residents.

Garden Units (Granny Flats)

Garden units, also referred to as "granny flats", are also included as part of the proposed amendments. The suggested amendments to the Municipal Act are contrary to the proposed amendments to the Planning Act which prohibits regulations "that sets out requirements, standards, or prohibitions which have the effect of distinguishing between persons who are related and persons who are unrelated in respect to the occupancy or use of a property."

Further, while the draft legislation suggests that garden suites are intended to be a temporary accommodation, portable in nature, for up to ten years, it is questionable whether the suite would in fact remain temporary given the cost of establishing the use. It is probable that the unit would remain on a long-term basis, and be used by others after the original user so that the property owner could recover some of the initial cost. Accordingly, this use should be recognized as long-term, and permitted where circumstances are appropriate.

City of London Initiatives to Provide Apartments in Houses

Residential Intensification

Pursuant to Section 5 of the Land Use Planning for Housing - Policy Statement (1989), the City of London has prepared a Residential Intensification Study (1990) intended to identify areas in the City where residential intensification is considered appropriate. The identification of areas is based on a three-point criteria which includes the physical potential of the existing building stock; ability of existing residences to support new households; and the potential demand for new households based on demographic analysis.

The Residential Intensification Strategy derived from the study includes the following three objectives:

1. To promote residential intensification in appropriate areas of the City;
2. To provide information and advise to homeowners in the process of creating a rental unit in their home; and
3. To undertake an ongoing program of monitoring and policy analysis of municipal documents as they relate to residential intensification.

The following are the recommendations made by the Residential Intensification Study:

1. The draft comprehensive Zoning By-law's definition of converted dwelling be reviewed so as to permit exterior alterations to existing dwellings in appropriate areas in order to facilitate the addition of an accessory apartment.
2. The City amend the development charges by-law to delete the imposition of lot levy fees on the addition of an accessory apartment to a single family dwelling in areas where appropriate and in accordance with the new Development Charges Act.
3. The City promote residential intensification in appropriate areas of the City.
4. The City provide information and advice to homeowners in the process of creating a rental unit in their home.

5. An application be made to the Ministry of Housing for a \$30,000 grant to establish a Home Planning Advisory Service in order to implement the residential intensification strategy.

Home Planning Advisory Service

In order to effectively implement the Residential Intensification Strategy previously mentioned, the City of London established a Home Planning Advisory Service in January 1991. Operating from the Community Improvement Division in the Planning and Development Department, this service provides assistance to property owners that may wish to create an additional apartment unit or units, within existing single family residences or non-residential properties. The service also promotes "residential intensification" through conversions of existing residences and infilling of underutilized lands throughout the City.

Approximately 160 intakes have been received where service has been provided since the service began. An extensive promotional campaign entailing newspaper advertising and literature mail-outs has been completed to make potential clients aware of the services that are available, including financial assistance through Convert-to-Rent when available. Over 3000 pieces of literature have been distributed to promote residential intensification.

Fifty-nine rental dwelling units have been completed since the beginning of the Home Planning Advisory Service. This includes additional units in four single family homes, and four involving conversion of a commercial property. Eighteen property owners with fifty-seven potential units are waiting for Convert-to-Rent Assistance.

Official Plan Policies (Residential Intensification)

The City's Official Plan also includes policies to promote residential intensification in identified areas of the City, specifically through Infill Housing (Policy 3.2.3), Conversions (Policies 3.2.4 and 3.2.5) and Policies to Increase the Supply of Affordable Housing (Policy 12.2.2).

Appeals of the Minister of Housing and Minister of Municipal Affairs, and Susan Mellof against Zoning By-Law (1990) - 13517 of the City of Guelph

The Ontario Municipal Board dismissed the appeals against the above-noted Guelph By-law on the grounds that neither the definition of "lodging house" in the By-Law, nor the required separation distance between lodging house locations (100 metres), had the effect of limiting the number of lodging houses that could develop in Guelph. The Ministries charged that the By-Law was contrary to Section 5.1.b of the Land Use Planning for Housing Policy Statement regarding zoning provisions to permit rooming, boarding and lodging homes, and Accessory Apartments as-of-right where they are permitted uses in the Official Plan.

This decision emphasizes the difficulty, particularly with enforcement, that would arise should the Planning Act be further amended to prohibit zoning distinctions based on the relationships between people who form a single housekeeping unit.

the Board finds the words "which functions as a single housekeeping unit" vague - we are not sure what the words do mean - and we are in not doubt that trying to prove in court a household was not functioning as a single housekeeping unit would in most cases be very difficult. In our opinion the City would find it extremely difficult if not impossible to enforce its by-law. The proposed amendments to the Planning Act would prohibit municipalities from passing "a by-law that sets out requirements, standards or prohibitions that have the effect of distinguishing between persons who are related and persons who are unrelated in respect of the occupancy or use of a property, including the occupancy or use as a single housekeeping unit."

Concerns Regarding the Ontario Building Code and The City of London Property Standards By-law

Ceiling Heights

It is proposed that for units above grade, the minimum height requirement would be 2.1 m (6'11"). This would apply to only the applicable minimum area of the unit size. For units located below grade the minimum height requirement is proposed to be reduced to 6'5" again applicable only to the minimum unit size area. The purpose for doing so is to facilitate the location of the existing basement units.

Our current Property Standards By-law requires 2.13 m (7') over the applicable minimum area, except for bedrooms which can have up to 50% of the required minimum floor area with a reduced ceiling height down to 5'. This facilitates bedrooms in areas where there is a sloping roof line. Our Property Standards By-law would require a 7' ceiling height in basement apartments, however, the Provincial standard would lower this requirement to 6'5" while at the same time increase the height for bedrooms above grade (in attic spaces) to 6'11" over the required minimum floor area.

In justifying this requirement for ceiling heights, the statement is made that "ceiling heights less than 2.03 m (6'8") do not pose health and safety risks". There are no studies or documentation to support this statement and it is our opinion that the minimum ceiling height should be the same for all dwelling units whether one is below or above grade. Otherwise a lower standard would be created simply based on the location of the dwelling unit.

Egress

The proposed Provincial standard would allow a number of egress alternatives to achieve compliance.

Each of these requirements reduces the current level of safety provided by the Ontario Building Code (National Building Code). The National Building Code was adopted in the City of London in the early 1960's and subsequently the Ontario Building Code became law on December 31, 1975, both have always required that a dwelling unit have a direct means of egress to the exterior or to an interior public corridor from where one could proceed to two fire separated stairs. The proposed Provincial standard would permit two units to have sliding doors rather than swinging doors as a means of egress. They would also allow two units to share a fire rated hall or vestibule and they would also allow exiting through another dwelling unit as long as a window was provided as the second means of egress.

The explanation given is that these types of egress routes comply with a document entitled, "Guidelines for Fire Safety in Small Multi-Unit Residential Occupancies" prepared by the Office of the Fire Marshall. We do not believe that the level of safety which has been consistent for over 30 years should be reduced simply to facilitate an additional dwelling unit in a building.

Smoke Detectors

The proposed Provincial standard states that one smoke detector per dwelling unit (can be battery operated) may be required where a 30 minute fire separation is provided between the dwelling unit. It also states that where a 30 minute fire separation is not provided, an inter-connected smoke alarm system may be required.

Most typical construction ie., 1/2" drywall on wood joist, would provide a 30 minute fire separation, therefore, an inter-connected smoke alarm system would not be required. The Ontario Building Code requires a smoke detector (alarm) on each level of a dwelling unit. There is no reason if the dwelling unit has multiple levels, that multiple smoke detectors could not be installed.

Fire Separations

The proposed Provincial Standard states that a fire separation of up to 30 minutes may be required between the units and between the units and common areas. It also states that openings in the fire separations shall be protected with closures of up to 20 minutes.

Part 11 (Renovations part) of the Ontario Building Code requires a minimum of a 30 minute fire separation between dwelling units. It is unclear what is proposed when the words "A fire separation of up to 30 minutes may be required" are used. In new construction, the Ontario Building Code would require a 45 minute fire separation between the units. Therefore, for existing construction, the 30 minute fire separation should not be reduced further.

Fire Dampers

The proposed Provincial standard would not require a fire damper if duct type smoke detectors were installed in the supply and return air systems.

We concur with this since it is consistent with the Ontario Building Code Part 11.

Natural Light

The proposed Provincial standard for window areas need not exceed 5% of the total floor area for living areas and 2.5% for bedrooms.

We concur with this requirement since it is consistent with the Ontario Building Code Part 11.

Conclusion:

The Province's approach to residential intensification and the provision of affordable housing through the proposed legislative changes to the Planning Act are neither necessary nor desirable for the City of London. Initiatives discussed within this report including the Residential Intensification Study; the Home Planning Advisory Service; and the Intensification policies within the Official Plan and Zoning By-law, clearly demonstrate the City's commitment to providing an adequate supply of affordable housing in identified areas of the City.



THE CORPORATION OF THE CITY OF LONDON

DATE: May 8, 1992

RE: PROPOSED AMENDMENT TO THE PLANNING ACT TO PERMIT
ACCESSORY UNITS IN SINGLE UNIT DWELLINGS

The proposal to amend the Planning Act to permit accessory units in single unit dwellings as of right as mentioned in the Throne Speech, is an extraordinary and unprecedented step. There does not appear to be sufficient justification for the Province to intervene in municipal land use planning in this manner.

The Throne Speech referred to increasing the supply of "basement apartments." In many existing dwellings, basements can not provide adequate window openings, height or emergency exits in order to meet the Ontario Building Code requirements. The wording of the Throne Speech was unfortunate since it seemed to leave out other more appropriate possibilities such as using upper storey space or rear additions.

The Planning Act sets out a framework for establishing which matters relating to municipal planning are of Provincial interest. The proposal seems to be outside of that framework which indicates that municipalities will be notified and consulted when a policy statement is developed identifying a matter which is of Provincial interest. The Proposal to permit accessory units in single unit dwellings as of right is inconsistent with the stated Provincial interest in the "Land Use Planning for Housing" policy statement. That policy statement indicated that municipalities should identify opportunities for residential intensification in the official plan. Three specific criteria are set out for the characteristics of areas where intensification should be permitted; the existing building stock has the physical potential, the existing services can support the new households and the potential demand can be demonstrated. These appropriate qualifications are missing from the current proposal.

The proposal to permit accessory units as of right is also inconsistent with the manner in which policy statements have operated. Municipalities are required to "consider" policy statements during an official plan review and to "have regard for" policy statements when considering the approval of any change to a zoning by-law or planning document. This is quite different from the Province making a modification to municipal planning documents by as of right legislation. A general amendment to the Planning Act would conflict with municipal planning documents and cause confusion. The public would expect that two dwelling units are legal invariably regardless of the physical capability of the property, even though the Minister of Housing has indicated that physical capability should be a consideration.

The contention by the Province that the addition of a second unit within existing single family residences "as-of-right" will have no physical impact on the surrounding neighbourhood is clearly false in the case of the City of London where many neighbourhoods are comprised of smaller homes on small lots. Further, rowhouse units that are governed by condominium agreements would be particularly impacted with respect to insufficient parking should second units be permitted within condominium units.

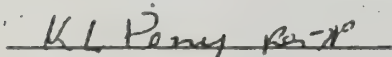
Another area of concern to Ontario municipalities is with respect to the ability of existing infrastructure to sustain a "doubling" of residential densities. It does not appear that the Province has given due consideration to the impact on such community facilities as schools, libraries, recreation, and parks. Municipalities, including London, are aware of these implications and have developed local responses to the Province's existing Policy Statement Land Use Planning for Housing which respond to these, and other issues. As such, the proposed legislative changes to the Planning Act with respect to apartments in houses are neither desired nor warranted.

Prepared by:



Howard A. Pulver
Director of Community Improvement

Recommended by:



Ken L. Perry
Director of Planning & Development

BB:HAP:KLP/as

The proposed amendment to the Planning Act also gives no consideration to the dramatic difference from one part of the Province to the other in the need for the type of dwelling units which would be created. The apartment vacancy rate as reported by CMHC for Ontario census metropolitan areas in April 1992 for buildings with 3 or more units ranged from a low of 1.4 per cent in Ottawa to a high of 4.4 per cent in Oshawa. There is no justification to support the application of the same policy throughout the province. Vacancy rates of two per cent or higher do not demonstrate that there is a shortage of rental units.

The City of London has complied with the Land Use Planning for Housing policy statement and has taken a number of steps to permit residential intensification. The new official plan conforms with the policy statement and a substantial portion of the areas which are zoned for residential development permit more than a single dwelling unit.

The City also has a Home Planning Advisory Service to promote residential intensification and provide a source of information and assistance to property owners who are interested in creating new dwelling units through the renovation of existing buildings.

If a change is to be made to Provincial policy it should be in the form of a policy statement. A modification to permit a second dwelling unit as of right should be considered only in municipalities where circumstances justify this type of action.

DRAFT

① lack due
process point
② enb.

September 1, 1992

Mr. David Cook, Minister of Municipal Affairs
Ms. Evelyn Gigantes, Minister of Housing
MINISTRIES OF HOUSING AND MUNICIPAL AFFAIRS
777 Bay Street
Toronto, Ontario
M5G 2E5

Dear Sirs:

Re: Apartments in House Consultation

We are the solicitors for the London North Community Association and last evening attended a public meeting of the Planning Committee of City Council at which time the proposed apartment/granny flat legislation was discussed in detail. Unfortunately, the three NDP members representing the London area were unable to be in attendance, although I understand that there will be a further meeting of Council to which each of the members will be invited.

The purpose of this letter is not to specifically respond to the proposed legislation since we entirely endorse the submissions of the City of London and the Association of Municipalities of Ontario. We would urge you to review these submissions, as they affect areas outside Toronto, and respond to their recommendations.

The purpose of this correspondence is to request that you consider the following:

1. Extending the deadline for public consultation and input for a period of at least three months to allow your representatives to receive input from their constituents; and
2. To expand the terms of reference to look at residential intensification, in a broader context, including Section 34.A of the Planning Act, lodging house legislation and the apartment/granny flat legislation.

- 2 -

September 1, 1992

In order that there be no misunderstanding, we would like to make it clear that the London North Association does not object to affordable housing policies which properly and fairly create affordable housing when and where needed. We do not object to housing intensification when done in accordance with proper planning principles recognizing the site specific needs of municipalities. We do not object to student housing when controlled for the benefit of both students and neighbourhoods. We support the initiatives of this government and previous governments to create a broad range of housing which is affordable and meets the diverse needs of our community. We also understand the financial restrictions with which the government is faced due to decreased federal funding and understand the necessity to look to "low cost" or "no cost" solutions. We do fear, however, that in attempting to find a global or universal solution to these problems, you will create a situation which is susceptible to abuse by parties who are motivated primarily by profit rather than the needs for affordable housing and residential intensification. Unfortunately, this was precisely our experience with lodging houses where, in many areas, absentee landlords dominated the ownership of homes and "victimized" both students and neighbourhoods in their efforts to maximize profits.

It is our feeling that any legislation, which does not ultimately vest control in the municipality and allow the municipality the flexibility to zone on a site specific basis, will be subject to abuse.

In suggesting that you review the issue of intensification from a broader perspective, we are acutely aware of the recent history of legislation and events which we believe have led to the current proposals. As you are aware, for many years, municipalities are recognized in their zoning by-law's regulation controls based on the relationship of the occupants. Perhaps the final statement on this matter was made in the City of London case which was an Ontario Municipal Board decision of Mr. Singer upheld on appeal to the Ontario Court of Appeal (the Supreme Court of Canada refusing leave for further appeal). The London case was seen as upholding exclusionary by-laws designed to protect property rights in neighbourhoods, as long as these by-laws showed appropriate flexibility in dealing with unrelated persons. In London, up to three borders were allowed "as of right", however, to exceed this number, rezoning application was required and the municipal rezoning process applied with public input as required under the Planning Act. Immediately following this case, Bill 128, the Planning Amendment Act, was introduced by Cam Jackson, the Conservative MPP for Burlington South. Bill 128 ultimately resulted in the enactment of Section 34a of the Planning Act which removed the municipality's authority to pass by-laws that distinguish between persons who are related and

- 3 -

September 1, 1992

persons who are not related in respect of the occupancy of a building or structure. These amendments were not extensively studied but received all party support due primarily to a campaign promise of then Premier Peterson given to a partisan audience at UWO, and due to a general feeling that non-approval would be seen as discriminatory under the Canadian Charter of Rights and Freedoms. In the course of our review, we have had extensive opportunity to review both the Charter and the Ontario Human Rights Code and find that both the Code and the Charter recognize that there is some element of public policy involved in determining individual freedoms. Both the Code and the Charter recognize that some element of discrimination is permissible and explore the limit of discrimination that would be permissible within our society. It is our feeling that Section 34a goes well beyond the protection contemplated by the Code or the Charter, a fact confirmed by judicial interpretation in both the Tiny Township and City of London cases. We are aware that AMO has requested, on a number of occasions that the government "state a case" to the courts for official determination of the question of whether regulation based on relationship is, in fact, contrary to the Charter and/or the Code. This would seem to be an obvious method in which to clarify the question once and for all and we would ask that the government consider this alternative.

As a result of the enactment of Section 34a, a number of lodging house by-laws in various municipalities were rendered largely unenforceable. This led to a series of new by-laws and, ultimately, to a hearing before the Ontario Municipal Board in the City of Guelph case. Mr. Chapman, in the decision of the Board, made a number of findings and it would appear, upon review, that the apartment/granny flat legislation is a legislative "reversal" of his decision. I will not dwell extensively on the decision, but will simply set out the following examples:

1. In the City of Guelph case, the Ministry argued at length that a dwelling unit should be exempted as a lodging house where it "appeared to function as a single housekeeping unit", regardless of the relationship of the occupants. Mr. Chapman rejected the exemption and found that the words "which functions as a single housekeeping unit" were vague and most difficult to interpret or enforce. He found that it was the rental component that distinguished lodging houses from usual family living in a detached home. It is interesting to note that the concept of unrelated persons, functioning as a single housekeeping unit, has been reintroduced in the apartment/granny flat legislation.
2. Mr. Chapman then went on to review the three criteria as set out in Section 5.1.a of the Housing Policy Statement as it

- 4 -

September 1, 1992

deals with residential intensification. Mr. Chapman found that where all three criteria are met, the City must zone for lodging houses. He goes on to find that where the City does provide for intensification where the three criteria are met, the City has zoned "as of right" as required under the Housing Policy Statement. The apartment/granny flat legislation, as proposed, eliminates any remote possibility of the municipality excluding the application of the legislation, by providing that any by-law which would purport to prevent the establishment of an additional apartment or granny flat would be invalid and unenforceable.

3. Mr. Chapman confirms the validity of "exclusionary" by-laws and, specifically, recognizes density as an important and valid planning consideration in zoning by-laws. The City of Guelph by-law, as approved, recognizes minimum square footage allocations on a per lodger basis and further recognizes the need for parking and amenity space provisions. The apartment/granny flat legislation, as proposed, virtually eliminates density as a consideration by mandating second apartment units and granny flats in any zone within a municipality and prohibits the municipality from introducing a number of very common restrictions applicable in accordance with sound planning principles, i.e. additional parking requirements, minimum square footage requirements related to number of occupants, etc.

In the final analysis, it appears that two pieces of legislation, which will impact on the City's ability to regulate intensification within its boundaries, are the result of Ontario Municipal Board decisions which have gone against the government, namely, Section 34.A of the Planning Act, being a reaction to the City of London case and the apartment/granny flat legislation, being a reaction to the City of Guelph case. It would be our submission that if we are to deal with residential intensification in the province, we should do so on a comprehensive basis rather than in a reactive manner, focusing on "made in Toronto" solutions. We would suggest that a comprehensive solution must combine the following:

1. The presentation of a broad range of affordable housing alternatives;
2. The principles of residential intensification;
3. The flexibility at the municipal level to deal with area specific problems on a site specific basis, i.e. the zoning function cannot be usurped from the municipality;

- 5 -

September 1, 1992

4. There must be safeguards from obvious abuse, i.e. absentee landlords;
5. There must be adherence to sound planning principles.

We would also suggest that there be no "sacred cows" and that the government immediately undertake a review of Section 34.A of the Planning Act and obtain a judicial determination as to whether zoning, based on relationship, is acceptable under the provisions of the Charter and the Code.

Finally, a process should be created which provides due process for all citizens of the province. We do not believe that legislation should be supported which can radically change the use of land without public notice and public input. Any legislation which abrogates the principles of due process should not be supported.

We would most appreciate an opportunity to discuss the matter with you and we are pleased to offer any assistance we can in arriving at legislation founded in sound planning principles which will be of benefit to all citizens within the province.

Yours very truly,

MCCARTHY TETRAULT

Daniel R. Ross

DRR:jg



CITY COUNCIL
HAMILTON, CANADA

RECEIVED 3.

SEP 10 1992

Alderman Terry Cooke
Chairman - Engineering Services
CITY CLERKS

71 MAIN STREET WEST L8N 3T4 • (416) 546-2730 • RES. (416) 521-1087 - WARD 1

August 25, 1992

Ms. Tina Agnello, Secretary
Planning and Development Committee

Re: Hill Street - Group/Foster Homes -

Dear Ms. Agnello:

Further to the Profs note sent to you by my Assistant Ms. Kowalski regarding placement of the above-noted subject on the agenda for the next meeting of the Planning and Development Committee.

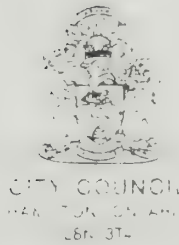
Please confirm with my office the placement of this item on the agenda.

Thank you kindly in advance for your assistance.

Yours very truly,

Terry Cooke
Alderman, Ward 1

/ck



4.

1992 October 5

Ms. Tina Agnello, Secretary,
Planning and Development Committee

Dear Ms. Agnello:

RE: BEACH ADVISORY COMMITTEE

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OCT 06 1992

CITY CLERKS

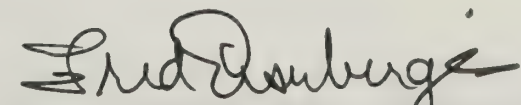
Following consultation with area residents, we are recommending that the Beach Advisory Committee which in effect put together along with our staff the Beach Neighbourhood Plan be now restructured and renamed and, we respectfully recommend the following:

- a) That the Committee be named, The Beach Neighbourhood Plan Implementation Committee.
- b) That the report mechanisms for all recommendations still continue to be Planning and Development Committee then, City Council for approval;
- c) That the make up of this Committee be five Beach Neighbourhood Residents, all Ward 4 and 5 Aldermen and that resources and advisors to the Committee consist of one representative from the Office of Bob MacKenzie, M.P.P., for the area. One representative from the Planning Department, one representative from the Parks and Recreation Department, one representative from the Public Work's Department, one representative from the Engineering Department and one staff representative from the Conservation Authority.
- d) The voting Members be the five area residents and the four Aldermen.

Can you please place this on the agenda of the next Planning and Development Committee. Thank you for your attention to this matter.

Yours sincerely,


DOMINIC AGOSTINO, ALDERMAN
WARD 5


FRED EISENBERGER, ALDERMAN,
WARD 5

c.c. Alderman D. Drury, Chairman,
Planning and Development Committee

Ms. V. Gruppe,
Planning Department

5.

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

DATE: 1992 October 13

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: D. W. Vyce
Director of Property

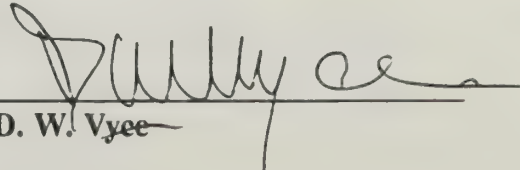
SUBJECT: Hamilton Rail Station
Commuter Parking - Go Transit
Strachan Street East - Lease Renewal

OCT 13 1992

CITY CLERKS

RECOMMENDATION:

- a) That the City of Hamilton renew the lease with the Toronto Area Transit Operating Authority which expired on July 31, 1992, respecting the use of City owned land located at Strachan Street East and James Street North.
- b) That the new term be for a period of two (2) years commencing August 1, 1992 and expiring July 31, 1994 at a rental rate of \$10,599.60 per year plus realty taxes paid in advance in monthly instalments of \$883.30 on the first (1st) day of each month and proceeds to be credited to Account Number CH 44104 31106 (Rental Civic Property - Civic Properties Rented).
- c) That in the event the premises are not required for the Industrial Perimeter Road Project, consideration will be given to a further two (2) year extension upon such terms and conditions as the parties may agree.
- d) That the lease renewal be in a form satisfactory to the City Solicitor.
- e) That the Mayor and City Clerk be authorized and directed to execute the renewal agreement.


D. W. Vyce

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

See above recommendation.

BACKGROUND:

In adopting Item 4 of the 18th Report of the Planning & Development Committee, City Council on August 30, 1988 approved the lease of City land at Strachan Street East and James Street North to the Toronto Area Transit Operating Authority (Go Transit).

Recently "Go Transit" has expressed a desire to renew the lease for the Strachan Street Parking Lot.

A new agreement was negotiated with a ten (10%) percent increase, and we are prepared to recommend the lease terms be approved.

RJH/nw

c.c. P. Noé Johnson, City Solicitor

Attention: D. Powers

A. Ross, Treasurer

Attention: T. Daw

John van der Mark, Director, Special Projects Office, Roads Department

P. G. Baker, General Manager, Parking Authority

6.

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

OCT 13 1992

CITY CLERKS

DATE: 1992 October 9
CI-92-F
Lisgar Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: City Initiative 92-F for a modification in zoning - Nos. 15,
19, 20 and 24 Bosna Court and Nos. 39, 43, 47, and 51
Algonquin Court.

RECOMMENDATION:

That approval be given to City Initiative 92-F for a modification to the established "C" (Urban Protected Residential, etc.) District regulations (Blocks "1" and "2") and for a further modification to the "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District regulations (Block "3"), to exempt the subject properties from the "through lot" provisions of Zoning By-law No. 6593, and to establish the property lines abutting Mohawk Road East as the "rear lot lines", for properties located at Nos. 15, 19, 20 and 24 Bosna Court and Nos. 39, 43, 47 and 51 Algonquin Court, as shown on the attached map marked as Appendix "A", on the following basis:

- i) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variance as a special requirement:
 - a) For the purposes of this By-law, the rear lot line shall be the boundary line along Mohawk Road East.
- ii) That the "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District regulations as contained in Section 10 of Zoning By-law No. 6593, applicable to Block "3", as amended by By-law No. 73-268, be further modified to include the following variance as a special requirement:
 - a) For the purposes of this By-law, the rear lot line shall be the boundary line along Mohawk Road East.

- iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- 285a, and that the subject lands on Zoning District Map E-59 be notated S- 285a;
- iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59 for presentation to City Council;
- v) That the proposed modifications in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

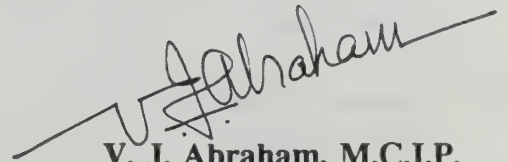
EXPLANATORY NOTE:

The purpose of the By-law is to provide for a modification to the established "C" (Urban Protected Residential, etc.) District regulations (Blocks "1" and "2") and for a further modification to the established "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District regulations (Block "3"), for the properties located at Nos. 15, 19, 20 and 24 Bosna Court and Nos. 39, 43, 47 and 51 Algonquin Court, as shown on the attached map marked as Appendix "A".

The effect of the By-law is to exempt the subject properties from the "Through Lot" provisions of Zoning By-law No. 6593, by establishing the property lines adjoining Mohawk Road East as the "rear lot line".



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Current Proposal

The Building Department has requested that the Planning and Development Department undertake as a City Initiative (see Appendices "B" and "C") an amendment to the Zoning By-law to exempt the properties fronting onto Bosna Court and Algonquin Court and backing onto Mohawk Road East from the "through lot" provisions of the Zoning By-law. This City Initiative would be identical to a previously approved City Initiative (CI-89-C) regarding properties on Britten Close which abut Garth Street.

• By-law 73-268

On October 9, 1973, City Council passed By-law No. 73-268 which provided for a change in zoning from "C" (Urban Protected Residential, etc.) District to "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District, modified, for part of the subject lands (Block "3"). The modification to the "D" District prohibited townhouse dwellings as a permitted use. By-law 73-268 came into effect on February 7, 1974.

PROBLEM:

As a result of a recent minor variance application concerning a side yard violation for an accessory structure on property located at No. 51 Algonquin Court (Block "3"), it was noted by the Building Department that the subject properties (Blocks "1", "2" and "3"), for By-law purposes, are considered "through lots" and do not have a rear yard in which to locate an accessory structure. Based on the zoning by-law requirements, the accessory structure would have to maintain a 6.0 m yard. In practical terms, the location of the accessory structure(s) would have to be 6.0 m from the Mohawk Road East property line whereas 0.5 m is required for "regular" lots.

Since 1980, the Region has placed one foot reserves (either through a subdivision or a modified subdivision agreement) on all residential lots having reverse frontages. With the establishment of the one foot reserve, the lots are no longer considered as "through lots". Since the subdivisions involved in this case were registered in 1973 (Algonquin Ct.) and 1976 (Bosna Ct.), this system was not in place.

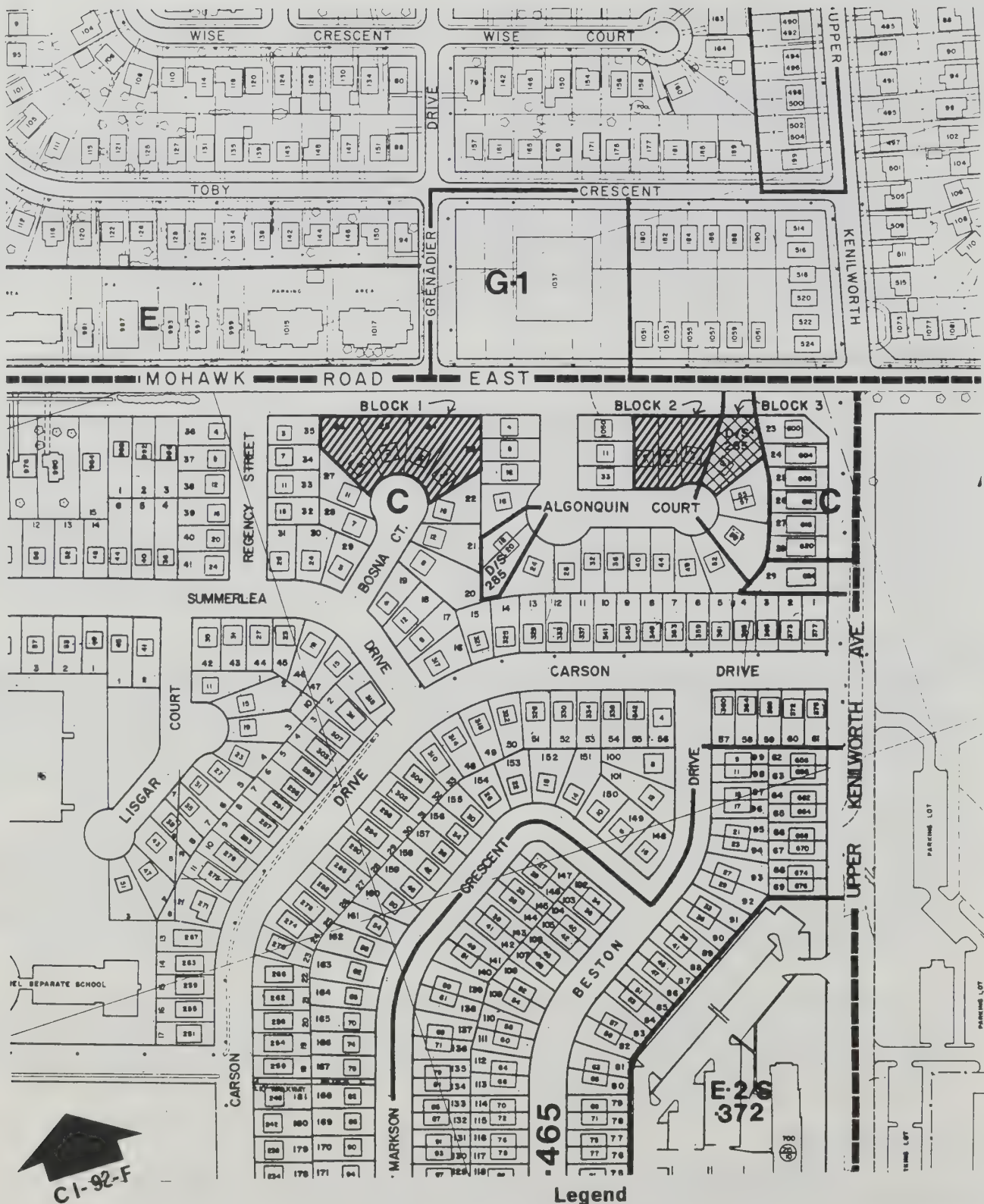
With respect to controlling vehicular access to Mohawk Road, the Roads Department has advised that; "...By-law R78-109 designates all Regional Roads as controlled access roads and any access to Mohawk Road requires an Access Permit from this office. Therefore, we do not require that a clause restricting access to Mohawk Road be included in the amending Zoning By-law."

To eliminate the "through lot" provisions for the subject properties, the City can either amend the Zoning By-law or establish one foot reserves. In terms of municipal administration and as well for the ease of the land owners, it is more appropriate to amend the Zoning By-law to establish a rear lot line for the properties.

CONCLUSION:

On the basis of the foregoing, the initiative can be supported.

GAW/ma:ns
CI92F



BLOCKS
1 and 2



Proposed modification to the "C" (Urban Protected Residential, etc.)
District regulations.

BLOCK 3



Proposed further modification to the "D" (Urban Protected Residential-
One and Two Family Dwellings, Townhouses, etc.) District regulations.

Legend

MEMORANDUM

MEMO TO: Mr. V. Abraham, Director
Planning and Development Department

FROM: J.A. Spolnik, Supervisor of Field Services
Building Department

DATE: August 12, 1992

RE: Algonquin Court/Through lots

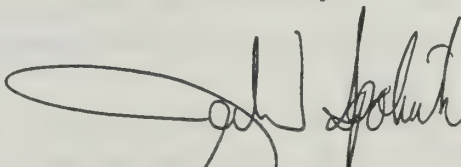
PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH		AUG 13 1992		
TO	STAFF	INT	INFO	ACT
DIR	V. Abraham			
PLN				
DESG				
IN	J.A. Spolnik			
ENGR				
STAFF				
CART.				
ADMIN				

This Department has been involved for some time with zoning matters relating to 51 Algonquin Court. Notwithstanding an existing violation of the By-Law with respect to an accessory structure located in the side yard, the owner of this property has a further difficulty in that this being a through lot to Mohawk Rd. East does not have a rear yard in which he can locate an accessory structure.

It has been noted by our Inspector that adjacent, similar lots are subject to the same restrictions. However, there are already existing accessory structures to the rear of some of the homes. Photographs and surveys as available are attached for your information.

In view of the foregoing, I would suggest that the Planning Department undertake a city initiative to amend the Zoning By-Law with respect to the affected properties on this court. It is my understanding that this would be a similar action to that previously carried out on behalf of Alderman Ross regarding properties abutting Garth Street and located on Britten Close.

Yours truly,



John Spolnik,
Supervisor, Field Services

JS/lc

cc: Alderman T. Jackson

APPENDIX B

MEMORANDUM

MEMO TO: P. Mallard, Division Head
Planning Department

FROM: John Spolnik
Supervisor, Field Services Building Inspector

DATE: September 4, 1992

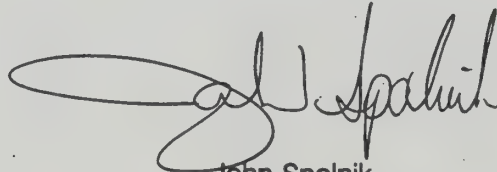
RE: Algonquin Court/Through Lots

PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH				
File No.		RECEIVED		
		SEP 09 1992		
TO	STAFF	INIT.	INFO.	ACT.
DIR.				
P.P. & A.				
NEIGH.				
DEV.				
E. & U.D.				
STAFF				
CART.				
ADMIN.				

Further to our previous correspondence and recent conversation regarding the above, please be advised that a similar situation exists on Bosna Court, just to the East (Nos. 15,19,24,20).

This information is brought to your attention should you wish to include this area in the contemplated initiative.

Yours truly,



John Spolnik
Supervisor, Field Services.

T-S/lc

APPENDIX C

7.

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

OCT 13 1992

CITY CLERKS

DATE: October 9, 1992
ZA-92-35
Southam Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a change in zoning for the property located at
No. 9 Brantdale Avenue.

RECOMMENDATION:

That approval be given to Zoning Application 92-35, Peter Esposto, owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "G-3" (Public Parking Lots) District, to legalize the existing parking lot, which is to be used in conjunction with a restaurant fronting on Upper James Street, for the property located at No. 9 Brantdale Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "G-3" (Public Parking Lots) District;
- ii) That the "G-3" (Public Parking Lots) District regulations as contained in Section 13C of Zoning By-Law No. 6593, be modified to include the following variance as a special requirement:
 1. That notwithstanding Section 13C(3) of Zoning By-Law No. 6593, the following requirements shall apply to the subject property:
 - a) That a landscape planting strip having a minimum width of 1.5 m, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the westerly property line; and,
 - b) That a landscape planting strip having a minimum width of 3.0 m shall be provided and maintained along the northerly property line, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained within the landscape planting strip, except for any area used for vehicular access;

- iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-7 be notated S- ;
- iv) That the City Solicitor be directed to prepare a By-law to amend zoning By-law No. 6593 and Zoning District Map W-7;
- v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- vi) That the amending By-law not be passed by City Council until a site plan has been approved by the Planning and Development Committee.

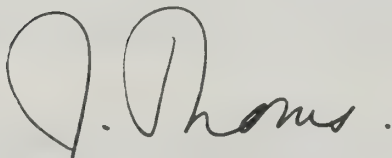
EXPLANATORY NOTE:

The purpose of this By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "G-3" (Public Parking Lots) District for the property located at No. 9 Brantdale Avenue.

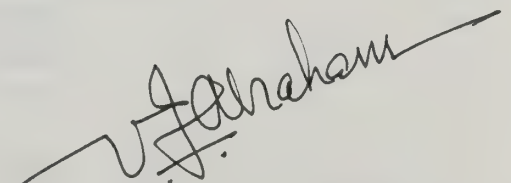
The effect of this By-law is to legalize the existing parking lot which is to be used in conjunction with a restaurant fronting on Upper James Street.

In addition, the By-Law provides for the following variances as special provisions:

- a landscape planting strip having a minimum width of 1.5 m, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the westerly property line; and,
- a landscape planting strip having a minimum width of 3.0 m shall be provided and maintained along the northerly property line, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m shall be provided and maintained within the landscape planting strip, except for any area used for vehicular access.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS

N/A

APPLICANT:

Peter Esposto, owner.

BACKGROUND:

- Proposal

The applicant has applied for a change in zoning from "C" (Urban Protected Residential, etc.) District to "G-3" (Public Parking Lots) District for the property municipally known as No. 9 Brantdale Avenue, to legalize the existing parking lot to be used in conjunction with a restaurant fronting on Upper James Street.

- Zoning Application ZA-87-52

At its meeting of July 28, 1987, City Council approved an application to legalize the existing parking lot for the subject property, municipally known as No. 9 Brantdale Avenue, to be used in conjunction with a restaurant fronting on Upper James Street. The approval was subject to the following condition:

"That the amending By-law not be passed by City Council until a site plan has been approved by the Planning and Development Committee."

This condition was not fulfilled, consequently the conditional zoning approval lapsed and the file was closed.

- Site Plan Control Application 87-110

On February 11, 1988, Planning and Development Committee approved a site plan for parking lot for the subject property, municipally known as No. 9 Brantdale Avenue, to be used in conjunction with a restaurant fronting on Upper James Street. The approval was subject to the following conditions:

- "1. Modification to the plans related to notes, and dimension as marked in red on the plans;
2. Submission of a grading plan to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department;
3. Submission of a landscape plan to the satisfaction of the Director of Local Planning Regional Municipality of Hamilton-Wentworth Planning and Development Department; and,

4. Finalization of the By-law to implement the approval of Zoning Application ZA-87-52 to permit the proposed parking area."

These conditions were not fulfilled, consequently the "Site Plan Control Agreement" was not executed.

LOT SIZE AND AREA:

- 23.18 m (76 ft.) of lot frontage;
- 30.5 m (100 ft.) of lot depth; and,
- 706.04 m² (7600 sq.ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject lands</u>	parking lot	"C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north	parking lot	"G-3" (Public Parking Lots) District
to the south	commercial	"H" (Community Shopping and Commercial, etc.) District
to the east	commercial	"H" (Community Shopping and Commercial, etc.) District
to the west	single-family dwelling,	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated ***Commercial*** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

- "A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.

- A.2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade.
- A.2.2.24 Council will encourage and, where feasible, assist in the provision of adequate off-street parking facilities in all other EXTENDED COMMERCIAL areas where existing parking problems are identified. Such parking facilities will be:
- i) Readily accessible from the main thoroughfare serving the EXTENDED COMMERCIAL area, including via side-streets off the main thoroughfare; and,
 - ii) Preferably to the rear of the EXTENDED COMMERCIAL development where their use will not adversely impact the amenity of adjacent Residential areas, subject to the General Provisions herein.
- A.2.2.34 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:
- i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;
 - ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses; and,
 - iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses."

The proposal complies with the intent of the Official Plan. If approved, the application does not require an amendment.

NEIGHBOURHOOD PLAN:

There is no approved plan for the Southam Neighbourhood.

COMMENTS RECEIVED:

- The Building Department, Union Gas, and Hamilton Region Conservation Authority, have no comments or objections.
- The Roads Department has advised that:

"There are public watermain and combined storm and sanitary sewers available to service these lands.

The existing road allowance width of Brantdale Avenue is 15.24m (50 feet). We do not anticipate any further road allowance widenings at this time.

In the absence of any details shown, we advise at this time that any works which may occur within the Brantdale Avenue road allowance must conform to the City of Hamilton Street By-law.

The Traffic Department is to comment on access design etc. We have reviewed our roadway drawings and note that a vertical crest curve just west of the subject lands, on Brantdale Avenue limits motorist visibility. Therefore we recommend that the lands be developed through site plan control and that the access be located to the westerly end of the lot to improve motorists visibility. The applicant may wish to attend this office and discuss this matter with our staff."

- The Traffic Department has advised that:

"We fully support the provisions of private off-street parking to serve adjacent business facilities. Facilities such as this aid in reducing the on-street parking overflow which usually occurs along commercial strips of this type."

COMMENTS:

1. The proposal complies with the Official Plan.
2. There is no approved Plan for the Southam Neighbourhood.
3. The proposal has merit and can be supported for the following reasons:
 - a) it will help alleviate overflow parking on local streets;
 - b) it is compatible with the surrounding land uses including a parking lot to the north and commercial to the south and east;

- c) it will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the commercial use are mitigated on adjoining residential uses.
4. In keeping with the "G-3" (Public Parking Lots) District regulations, a 1.5 m minimum distance separation and visual barrier not less than 1.2 m high and not greater than 2.0 m high will be required along the westerly property boundary. However, notwithstanding the minimum "G-3" (Public Parking Lots) District regulations the following special provisions are recommended:
- a landscape planting strip having a minimum width of 1.5 m, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height should be provided and maintained along the westerly property line; and,
 - a landscape planting strip having a minimum width of 3.0 m should be provided and maintained along the northerly property line, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height should be provided and maintained within the landscape planting strip, except for any area used for vehicular access.

The above-mentioned landscape planting strips and visual barriers along the westerly and northerly lot lines will mitigate the potential spill over effects (e.g., noise, headlight glare) of the parking area, and will maintain and enhance the existing Brantdale Avenue streetscape.

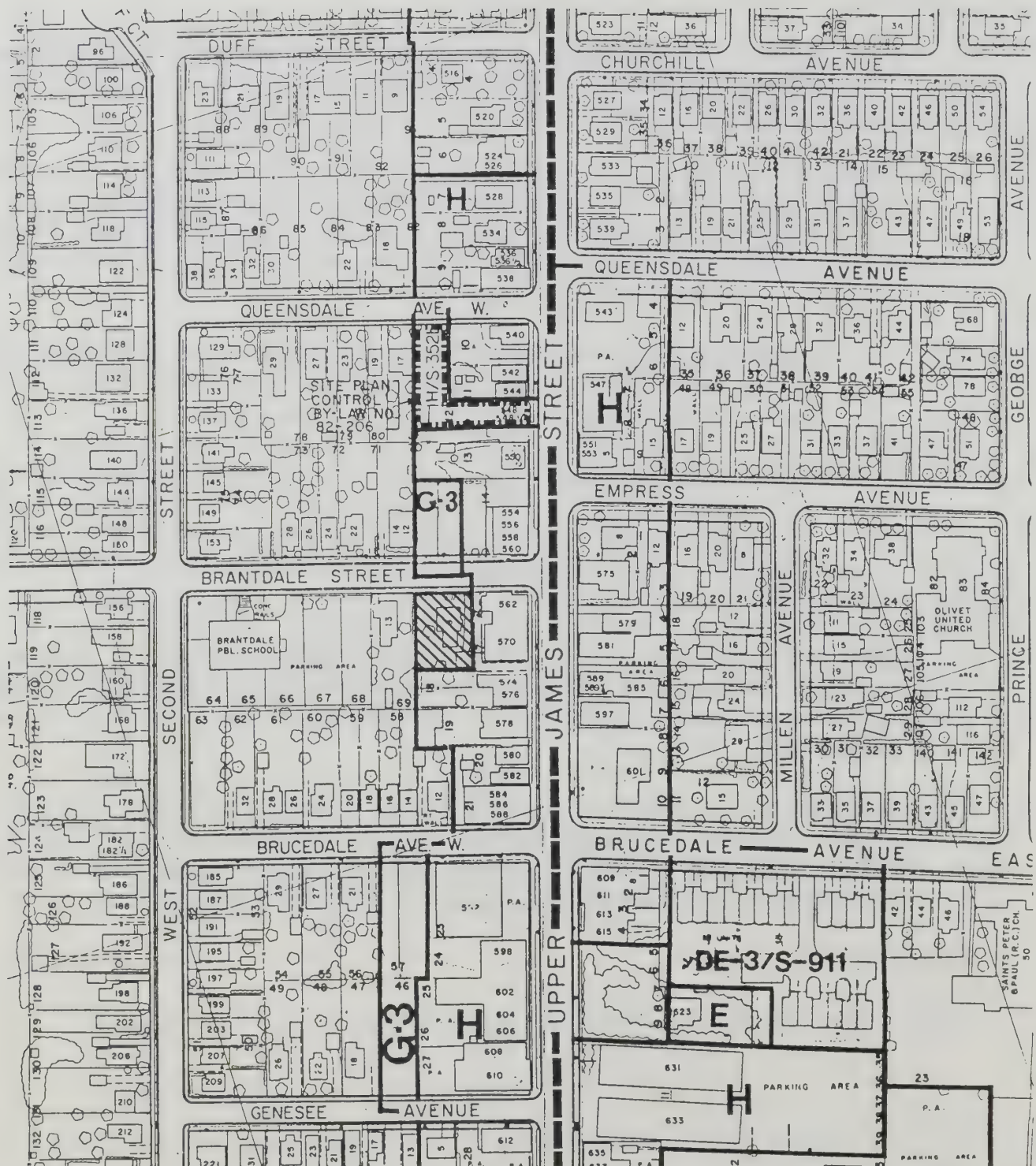
5. Under the "G-3" District regulations, the property is subject to Site Plan Control By-law 79-275. The construction of the parking lot does not require a building permit. Therefore, to ensure adequate buffering, landscaping, etc., is provided, the amending By-law should not be passed by Council until a site plan is approved.

CONCLUSION:

Based on the foregoing, the proposal can be supported.

JL/ma

ZA9235



Legend



Site of the Application



ZA-92-35

APPENDIX A

8.

CITY OF HAMILTON

- RECOMMENDATION -

RECEIVED

OCT 14 1992

CITY CLERKS

DATE: 1992 October 14
ZA-92-32
Parkview West Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a modification of zoning - No. 719 Knox
Avenue.

RECOMMENDATIONS:

- A. That approval be given to Zoning Application 92-32, Ernie and Tom Schoenholz, owners, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations, to permit the development of lands municipally known as No. 719 Knox Avenue through a plan of condominium for four (4) single-family dwellings, having common access to Knox Avenue, as shown on the attached map marked as Appendix "A", on the following basis:
- i) That the amending By-law apply the holding provisions of Section 35(1) of The Planning Act, R.S.O. to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District to prohibit the development of the subject lands until:
 - a) the owner has applied for and received approval from the Regional Municipality of Hamilton Wentworth of a draft plan of condominium; and,
 - b) the owner has applied for and received Site Plan Approval.

City Council may remove the "H" symbol and thereby give effect to the "C" District provisions as stipulated in this By-law, by enactment of an amending By-law once the conditions are fulfilled.

- ii) That the subject lands be zoned "C"-'H' (Urban Protected Residential, etc. - Holding) District;
- iii) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - a) That notwithstanding Section 4.(3)(a) of Zoning By-law No. 6593, four (4) single-family dwellings shall be permitted on the subject lands;
 - b) That Section 9.(3) of Zoning By-law No. 6593 shall not apply;
 - c) That notwithstanding Section 9.(4) of Zoning By-law No. 6593, a lot width of at least 6.6 m shall be provided and maintained;
 - d) That the following minimum setbacks shall be provided and maintained for each of the four permitted single-family dwellings:
 - 1) a setback of at least 4.5 m from the easterly lot line and from the westerly lot line; and
 - 2) a setback of at least 7.5 m from the northerly lot line and from the southerly lot line;
 - e) That the following separation distances shall be provided and maintained between each of the four permitted single-family dwellings:
 - 1) a distance of not less than 2.4 m between buildings in an east-west direction; and

- 2) a distance of not less than 27.0 m between buildings in a north-south direction;
 - f) That a visual barrier not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along all property lines, except for the area required for an access driveway.
 - iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 Schedule S- , and that the subject lands on Zoning District Map E-81 be notated S- ;
 - v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-81 for presentation to City Council; and
 - iv) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- B.** That By-law No. 79-275 as amended by By-law No. 87-223 be amended by adding the subject lands to Schedule "A", and that the provisions of Section 2. 1. of By-Law 87-223 shall not apply.

EXPLANATORY NOTE:

The amending By-law establishes the holding provisions of Section 35(1) of The Planning Act, R.S.O. on the subject lands, by introducing the holding symbol 'H' as a suffix to the established "C" (Urban Protected Residential, etc.) District which will prohibit the development of the subject lands until such time as the owner has applied for and received approval of a draft plan of condominium from the Regional Municipality of Hamilton Wentworth, and has applied for and received approval of a site plan.

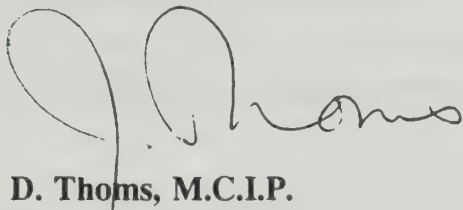
City Council may remove the 'H' symbol and thereby give effect to the "C" District provisions as stipulated in the amending By-law outlined below once the conditions are fulfilled.

The purpose of the By-law is to provide for a modification to the established "C" (Urban Protected Residential, etc.) District regulations, for property municipally known as No. 719 Knox Avenue, as shown on the attached map marked as Appendix "A".

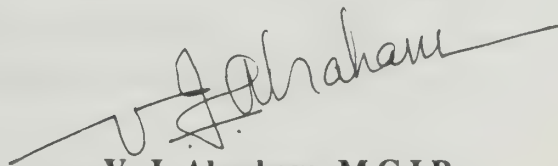
The effect of the By-law is to allow development of the subject lands, through a draft plan of condominium, for four (4) single-family dwellings, having common access to Knox Avenue. In addition, the By-law provides for the following variances as special requirements:

- a) to permit four (4) single-family dwellings on the subject lands, whereas only one (1) principal use, building or structure is permitted (Section 4.(3)(a));
- b) to exempt the subject lands from the standard "C" (Urban Protected Residential, etc.) District front yard (6.0 m), side yard (1.2 m) and rear yard (7.5 m) requirements;
- c) to allow a lot width of at least 6.6 m (common driveway), whereas 12.0 m is required;
- d) to require the following minimum setbacks to be provided and maintained for each of the four permitted single-family dwellings:
 - 1) a setback of at least 4.5 m from the easterly lot line and from the westerly lot line; and
 - 2) a setback of at least 7.5 m from the northerly lot line and from the southerly lot line;
- e) to require the following separation distances between each of the four single-family dwellings:
 - 1) a distance of not less than 2.4 m between buildings in an east-west direction; and
 - 2) a distance of not less than 27.0 m between buildings in a north-south direction;

- f) to require a visual barrier between 1.2 m and 2.0 m in height to be provided and maintained around the perimeter of the property, except for the area required for an access driveway.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Severance Application

On January 8, 1991 the Regional Land Division Committee approved land severance application (H-4-91) to convey a parcel of land having 21.7' of lot frontage on Knox Avenue, and a lot area of 2,229 sq. ft. to be added to an adjoining parcel of land (719 Knox Avenue), and retain a parcel of land having 28.33' of lot frontage and a lot area of 2,922 sq. ft. occupied by an existing single-family dwelling (723 Knox Avenue).

The Planning Department's comments stated:

"The Department feels that the granting of the severance is premature pending submission of a formal application and planning review of any proposed redevelopment of the interior lands. Further, granting of the severance at this time will establish legal road frontage for No. 719 Knox Avenue and in so doing, will circumvent proper planning for the interior lands. Given that there are a number of outstanding issues respecting this proposal, the proposed severance is premature and, at this time, not in the interest of proper planning."

The Department recommended that the application be DENIED.

- Minor Variance

On May 15, 1990, the Committee of Adjustment approved minor variance application (A-87-91) to permit the existing dwelling located at No. 719 Knox Avenue to maintain a lot width of 6.61 m (21.7') instead of 12.0 m (39.37'), and the existing dwelling located at No. 723 Knox Avenue to maintain a lot width of 8.63 m (28.33') instead of 12.0 m (39.37'), and lot area of 270.80 m² (2,915 sq.ft) instead of 360.0 m² (3,875.13 sq. ft.).

- Previous Rezoning Application

At its meeting held on February 15, 1992 the Planning and Development Committee recommended denial of a similar rezoning (ZA-91-71) to permit eight (8) small lot single-family building lots, having common access to Knox Avenue. At its meeting held on February 11, 1992, City Council adopted the recommendation of the Planning and Development Committee to deny the application.

- Neighbourhood Information Meeting

On May 7, 1992, a neighbourhood information meeting was held by the ward Alderman to discuss the merits of a revised application providing for only four (4) single-family dwellings with increased yard set backs, and providing access via a condominium driveway. The following is a summary of concerns/topics discussed at the meeting:

- mail box location
- garbage collection
- traffic generation
- fire department access
- fencing and grading
- clean-up of site
- nuisance factors

- Current Proposal

The proposed modification is to subdivide the subject lands into four (4) building lots for single-family detached dwellings, having common access to Knox Avenue (see APPENDIX "B" attached). Common access is to be established through a plan of condominium. For the information of the Committee, to-date, the applicant has not submitted an application to the Region for approval of a draft plan of condominium.

APPLICANTS:

Ernie and Tom Schoenholz, owners.

LOT SIZE AND AREA:

The subject lands are irregular ("T" shaped) and have:

- 6.61 m (21.7 ft.) of lot frontage on Knox Avenue;
- 32.0 m (105.0 ft.) of average lot depth;
- 91.44 m (300.0 ft.) of average lot width; and,
- 3,143.55 m² (33,837.99 sq. ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	single-family dwelling	"C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north, south, east and west	single-family dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule A - Land Use Concept Plan of the Official Plan, and are subject to, among others, the following policies:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.
- A.2.1.13 Plans for redevelopment will, to the satisfaction of Council, ensure that the RESIDENTIAL character of the area will be maintained or enhanced and that the redevelopment will not burden existing facilities and services.
- C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
- i) Provision and maintenance of adequate off-street parking;
 - viii) Other similar actions or matters as Council may deem appropriate.
- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.
- C.7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will: ...
- iii) Encourage RESIDENTIAL development that provides a range of types and tenure to satisfy the needs of the residents at densities and scales compatible with the established development pattern;..."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "SINGLE AND DOUBLE RESIDENTIAL" on the approved Parkview West Neighbourhood Plan. The proposal complies with the intent of the approved Plan.

COMMENTS RECEIVED:

- The Building Department has advised that:

- "1. The use is not allowed.
2. Is the existing house numbered #719 Knox Avenue still in existence? The Committee of Adjustment application A-91:87 referred to this building as retaining a 21.7' (6.61 m) width. The attached survey shows no building.
3. If the dwelling does exist, then Council approval is required for the house demolition."

- The Hamilton - Wentworth Roads Department has advised that:

"Our previous comments dated December 6, 1991 with respect to ZA-91-71 are applicable to this application.

In addition, the Traffic Department is to comment on access, right of ways etc."

The following comments were previously submitted by the Roads Department:

"There are public watermains and combined storm and sanitary sewers available to service these lands.

Any works which may occur within the Knox Avenue road allowance must conform to the City of Hamilton Streets By-law.

We will make more detailed comments upon receipt of a site plan which should be a condition of rezoning."

- The Traffic Department has advised that:

"..we have reviewed the above application and find it satisfactory subject to the applicant establishing legal access from each of the four separate lots to Knox Avenue."

- The Hamilton Region Conservation Authority has no comments or objections.

COMMENTS:

1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the intent of the approved Parkview West Neighbourhood Plan.
3. The application has merit and can be supported for the following reasons:
 - it complies with the intent of the Official Plan;
 - it implements the intent of the approved Parkview West Neighbourhood Plan which designates the lands "SINGLE AND DOUBLE RESIDENTIAL";
 - it implements both the Provincial Housing Intensification Policies as well as the Residential Housing Strategy adopted by City Council on June 25, 1991 by promoting and encouraging "Housing Intensification" through "infilling";
 - it would be compatible with existing development in the surrounding area which is primarily characterized by single-family dwellings;
 - contrary to the previous application (ZA-91-71) which proposed the subdivision of the lands into eight (8) single-family dwelling lots, this proposal involves a condominium development with an acceptable density of development (four (4) single-family dwellings) and provides for increased yard setbacks from the adjoining properties, as well as privacy fencing and adequate off-street parking to ensure a minimum standard for maintaining privacy, amenity and value;
 - it provides an opportunity for affordable single-family development; and
 - it would improve the existing unkempt appearance of the site.
4. Since the proposed development is to proceed by way of a plan of condominium, separate lots will not be created for each single-family dwelling. Consequently, the standard Zoning By-law regulations for single-family dwellings are not appropriate to regulate the proposal. In this regard the following variances are required to regulate the condominium development:

- to permit four (4) single-family dwellings on the subject lands, whereas only one (1) principal use, building or structure is permitted (Section 4.(3)(a));
- to exempt the subject lands from the standard "C" (Urban Protected Residential, etc.) District front yard (6.0 m), side yard (1.2 m) and rear yard (7.5 m) requirements;
- to allow a lot width of at least 6.6 m (common driveway), whereas 12.0 m is required;
- to require the following minimum setbacks to be provided and maintained for each of the four permitted single-family dwellings:
 - a setback of at least 4.5 m from the easterly lot line and from the westerly lot line; and
 - a setback of at least 7.5 m from the northerly lot line and from the southerly lot line;
- to require the following separation distances between each of the four single-family dwellings:
 - a distance of not less than 2.4 m between buildings in an east-west direction; and
 - a distance of not less than 27.0 m between buildings in a north-south direction;

Furthermore, since the proposed development is surrounded on all sides by existing residential development, it would be appropriate to provide a visual barrier not less than 1.2 m and not more than 2.0 m in height along all property lines, except for the area required for an access driveway.

5. As the lands are to be developed through a plan of condominium and will be regulated through a site specific by-law, to ensure the orderly development of the site, it would be appropriate that these lands be placed under the holding provisions in accordance with Section 35(1) of The Planning Act, R.S.O. These provisions permit Council to use the holding symbol 'H' in the zoning by-law in conjunction with any Zoning District and specify the use to which the lands, buildings or structures may be put to at such time in the future when the holding symbol is removed by an amendment. The purpose of using the holding symbol in this instance, is to ensure the orderly development of the site.
6. As the condominium project involves site specific details for its development, it would be appropriate to place the lands under Site Plan Control By-law No. 79-275 as amended by By-law 87-223. It will be necessary to amend Section 2. 1. of By-law No. 87-223 to require the submission of plans and drawings which are otherwise not required for single-family or two-family development. The requirement of Site Plan approval should also be included as a condition of removal of the holding symbol.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

GAW/ma

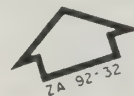
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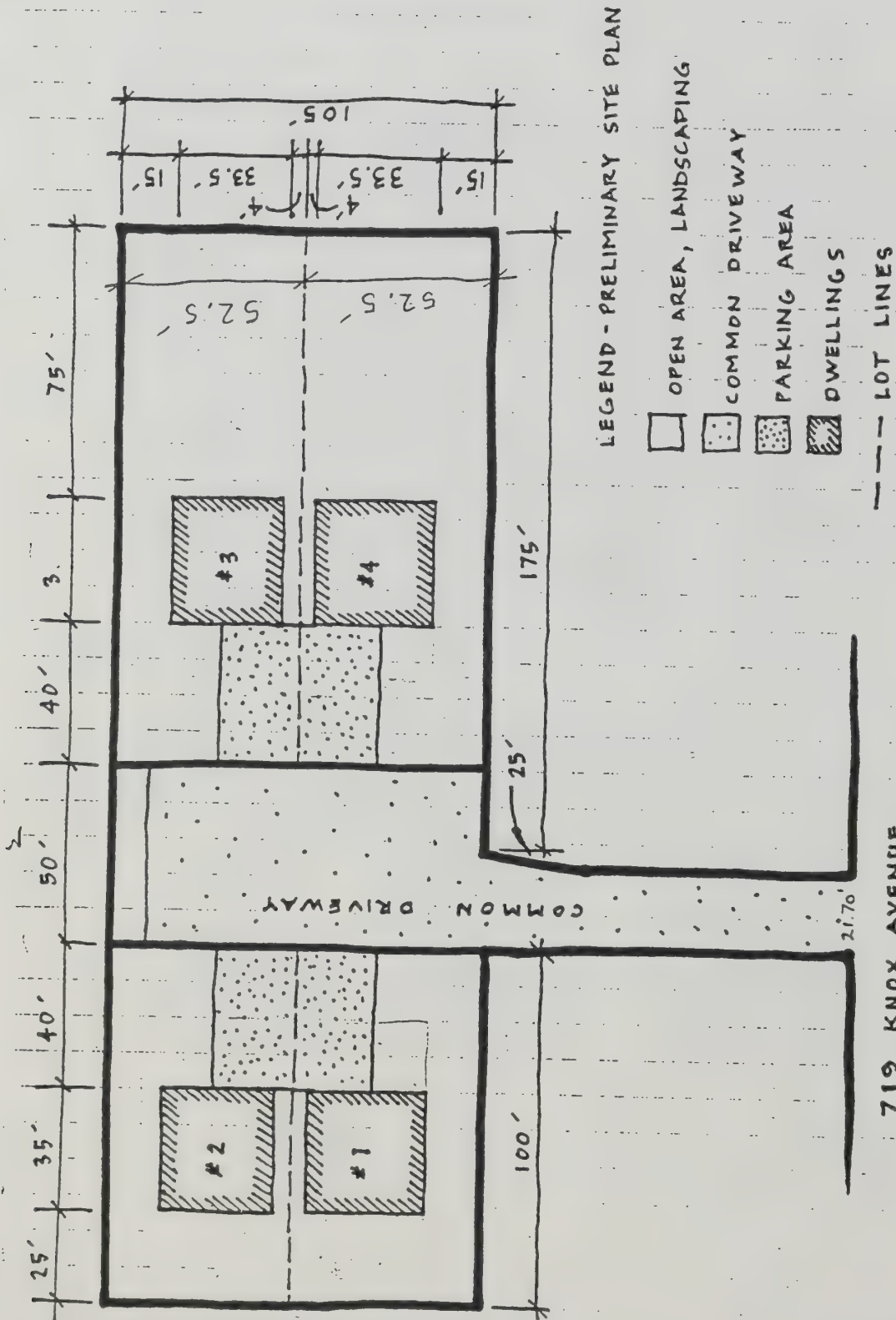


Legend



Site of the Application





CONTACT ...
 TOM SCHOENHOLZ
 phone : 575-1701

- MIN. 2 CAR PARKING/UNIT
 EASILY ACCOMMODATES MORE
 - LOW DENSITY @ 5.5 UNITS/ACRE AVG.

- CONDOMINIUM COURT.
 - 4 DETACHED DWELLINGS
 - MAINTAIN "C" ZONE AND ITS
 APPLICABLE SETBACKS &
 BUILDING RESTRICTIONS

9.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1992 October 14
(CI-91-E)
Upper Kings Forest Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a Modification in Zoning - Lands located
between Mohawk and Limeridge Roads East, east of
Upper Kenilworth Avenue - (Mohawk Sports Park)

RECEIVED

OCT 14 1992

CITY CLERKS

RECOMMENDATIONS:

- 1) That approval be given to amended City Initiative 91-E, for a modification to the "A" (Conservation, Open Space, Park and Recreation) District regulations, to permit 1 parking space per 9.5 persons lawfully accommodated, for the lands between Mohawk and Limeridge Roads East, east of Upper Kenilworth Avenue (Mohawk Sports Park), as shown on the attached map marked as APPENDIX "A", on the following basis:
 - i) That the "A" (Conservation, Open Space, Park and Recreation) District regulations, as contained in Section 7 of Zoning By-law No. 6593, be modified to include the following variance as a special requirement:
 - a) That notwithstanding Section 18A(1) of Zoning By-law No. 6593, a minimum of 1 parking space for each 9.5 persons lawfully accommodated shall be provided and maintained;
 - ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Maps E-69 and E-69A be notated S- ;
 - iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-69 and E-69A for presentation to City Council;
 - iv) That the proposed modification to the Zoning By-law is in conformity with the Official Plan for the Hamilton Planning Area.

- 2) That the City of Hamilton dedicate sufficient land to the Region for a daylight triangle and road widening purposes on Mohawk Road and Upper Kenilworth Avenue to the satisfaction of the Roads Department.

EXPLANATORY NOTE:

The purpose of the by-law is to provide for a modification to the "A" (Conservation, Open Space, Park and Recreation) District regulations, for the lands between Mohawk and Limeridge Roads East, east of Upper Kenilworth Avenue (Mohawk Sports Park), as shown on the attached map.

The effect of the by-law is to permit 1 parking space per 9.5 persons lawfully accommodated, whereas the Zoning By-law requires 1 parking space per 6 persons. The reduction in parking is required as a result of the installation of 4,000 new bleachers at the Track and Field site.


J. D. Thoms, M.C.I.P.,
Commissioner
Planning and Development Department


V.J. Abraham, M.C.I.P.,
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Reduction in Parking

In 1991, an additional 4,000 bleachers were planned for the Track and Field site at Mohawk Sports Park. The Zoning By-law requires parking for the additional seating capacity. Since no additional parking is proposed to be provided, the Public Works Department requested the Planning and Development Department to initiate a rezoning to permit a reduction in the required number of spaces.

Based on a site inspection by the Building Department of the existing seating and the proposed 4,000 new bleachers, there will be a parking space shortfall of 567 spaces.

LOT SIZE AND AREA:

The site is irregular in shape having:

- 495.84 m (1,626.79 ft.) of lot frontage on Mohawk Road East; and,

- 38.66 ha (95.53 ac.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Mohawk Sports Park	"A" (Conservation, Open Space, Park and Recreation) District
<u>Surrounding Lands</u>		
to the north and west	single-family dwellings, apartments	"C" (Urban Protected Residential, etc.) District "E-2" (Multiple Dwellings) District
to the south	townhouses	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District
to the east	open space	"A" (Conservation, Open Space, Park and Recreation) District

OFFICIAL PLAN:

The subject lands are designated OPEN SPACE on Schedule "A". The following policies apply, among others:

- "A.2.4.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as OPEN SPACE will include developed or undeveloped parks of local or area wide appeal; public or private recreation areas; pedestrian pathways; conversation uses, horticultural nurseries, forestry and wildlife management areas; and hazard lands which may pose a threat to life and property because of inherent physiographic characteristics (in accordance with the Hazard Lands provisions of Subsection A.3.1 of this Plan).

- A.2.4.2 The following ancillary uses may be permitted in OPEN SPACE areas: Limited Commercial uses which are ancillary to and support the primary OPEN SPACE Use; and all other uses which, in the opinion of Council, complement and do not interfere with the primary intended use of the area.
- C.1.1.11 Where feasible and deemed appropriate, CITY-WIDE PARKS will be provided and developed in accordance with the following provisions:
- iii) In the development or redevelopment of arenas, stadia, golf courses or similar major recreation facilities, Council will be satisfied that the facility:
 - a) will not operate unacceptable increase in traffic movements through adjacent Residential areas;
 - b) is readily accessible from major roads;
 - c) is designed at a scale and in a manner which minimizes impacts with adjacent land uses; and,
 - d) is provided with adequate on-site, off-street parking."

Based on the above, the reduction in parking does not conflict with Policy C.1.1.11, since the existing number of parking spaces is considered adequate.

NEIGHBOURHOOD PLAN:

There is no approved Neighbourhood Plan for the Upper Kings Forest Neighbourhood.

RESULTS OF CIRCULARIZATION:

- The following Agency has on objections:
 - Hamilton Region Conservation Authority.
- The Roads Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service the lands.

We understand that this rezoning application is for the granting of a liquor license, and the addition of 4000 bleacher seats in addition to the existing 5,950 bleacher seats. Since we consider this to be a redevelopment of the subject lands, we recommend that as a condition of development approval that a strip of land 7.315m in width be dedicated to the Region along the entire frontage on Mohawk Road.

The designated road allowance width of Upper Kenilworth Avenue is 30.48 m and Limeridge Road is 26.21 m with daylight triangles at major intersections. Since Limeridge Road and Upper Kenilworth Avenue are both under the jurisdiction of the City of Hamilton, we advise at this time that all setbacks for parking, bleachers etc. be taken from the ultimate property lines. In order to prepare the site plans, the road widening on Limeridge Road is 3.048 m and on Upper Kenilworth the widening is 5.182 m.

Since the intersection of Mohawk Road and Upper Kenilworth is under the jurisdiction of the Region, we also require that a daylight triangle 17.374 m (on Mohawk) and 12.97 m on Upper Kenilworth, from the widened limits of Mohawk Road be dedicated to the Region for road widening purposes.

Any works which may occur within the road allowance, as widened, must conform to the respective Streets By-laws.

- The Traffic Department has advised that:

"Mohawk Sports Park presently has a total seating capacity of 5,950 persons and a parking capacity of 1,110 vehicles. The zoning by-law requires a place of assembly to have one parking space per six persons who may be lawfully accommodated. With the inclusion of bleachers for an additional 4,000 spectators, the zoning by-law would require 1,659 parking spaces.

It is unlikely that the various sporting facilities would utilize the maximum seating capacity at the same time and thus, sufficient parking will be provided during normal park usage. It should be noted that the Culture and Recreation Department has stated that "The Track and Field Facility will not be booked simultaneously with Bernie Arbour Stadium". However, it is our understanding that a By-law cannot be enacted to legislate this statement. This would require a variance for a 33 percent parking reduction. This may be a concern of the residents in the Mohawk Sports Park vicinity.

An alternative approach might be to plan the facility such that the full 1,659 parking spaces could be provided, but that only the existing 1,110 spaces are to be physically provided at this time. In this way, a variance to the actual number of spaces may not be required. Instead, a variance with respect to the surface of some of the spaces may be the only required concession from the By-law requirements. The other benefit of this approach is that if a problem were to occur, the required additional parking would already be properly planned."

- The Building Department has advised that:

"Present Parking (as per Recreation Department)	1110 cars
Required Parking ($6057 \div 6$)	1010 cars

Therefore, the present parking complies for the existing capacities of all the fields. However, if the proposed 4000 seat grandstand for the track and field area was built.

The total park capacity would be:	4000 persons
	<u>6057</u> persons
	10,057
	persons

The required parking for this new capacity would be $10,057 \div 6 = 1677$ cars.

It is understood the parking would not be increased and therefore a variance would be required for a deficiency of $1677 - 1110 = 567$ cars."

- The Culture and Recreation Department has advised that:

"The Culture and Recreation Department will not program the facilities at Mohawk Sports Park to exceed the current parking limit."

- CN Rail has advised that:

"We request that a 1.83 m high chain-link fence be installed and maintained along the mutual property line and that the current drainage pattern along our right-of-way not be altered."

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.
2. There is no approved Plan for the Upper Kings Forest Neighbourhood.

3. As noted, the addition of 4,000 bleacher seats requires parking at the rate of one parking space per 6 persons lawfully accommodated. Based on the existing facilities within the Park (6,057 seats) plus the 4,000 bleachers to be added, the total parking required for the Park would be 1,677 parking spaces ($10,057 \div 6$). There are 1,110 existing parking spaces which leaves a shortfall of 567 spaces. Accordingly, this will increase the ratio of 1 parking space per 6 persons to 1 parking space per 9.5 persons.

The Traffic Department has indicated they can support the reduction in parking since the recreation facilities will not be booked simultaneously. Furthermore, it is not likely that the maximum seating capacity would be used at the same time and sufficient parking is provided for normal park usage.

The Public Works Department has advised there is adequate space within the Park (ie. the Australian rules football field) to accommodate temporary parking, if necessary.

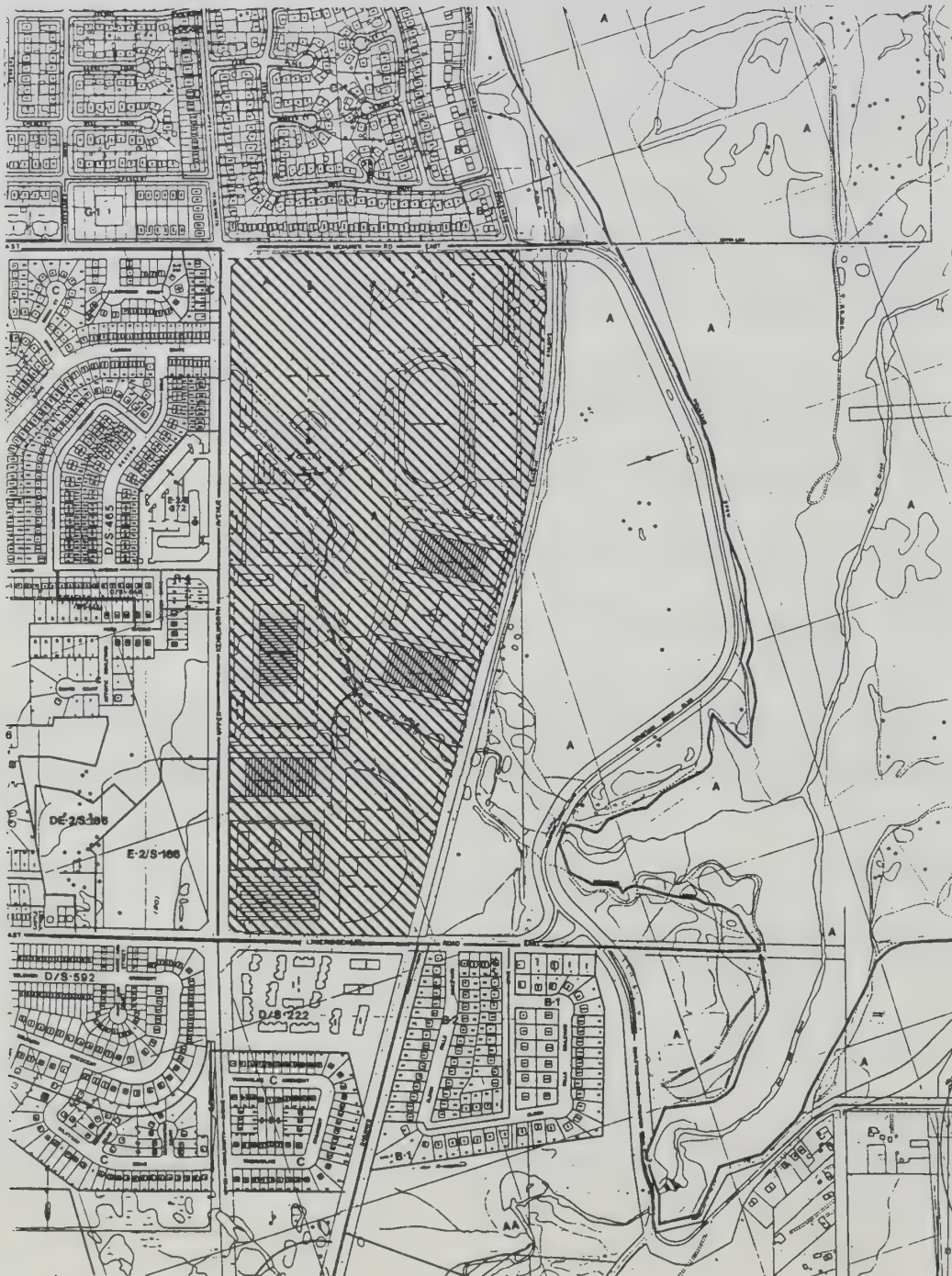
5. The Roads Department has requested the following dedication to the Region:
- a 7.315 m road widening along the entire frontage of Mohawk Road East; and,
 - a daylight triangle 17.374 m on Mohawk and 12.92 m on Upper Kenilworth Avenue.

Accordingly, as a condition of zoning approval, the City of Hamilton dedicate sufficient land to the Region, to the satisfaction of the Roads Department.

CONCLUSION:

Based on the foregoing the proposal can be supported.

JHE/ma



Legend



Site of the Application

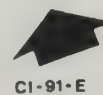


Table
10.

CITY OF HAMILTON
RI
- RECOMMENDATION -

CITY CLERKS

DATE: 1992 August 12
ZA-92-17
Trenholme Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a modification in zoning - No. 1123, 1131 and
1135 Stone Church Road East.

RECOMMENDATION:

That approval be given to amended Zoning Application 92-17, Mr. Chin Shee Shing and Mrs. Chin Nor Fai, owners, requesting a modification to the established "M-13" (Prestige Industrial) District regulations, to permit the construction of a 2 storey, 466 m² (5,020 sq. ft.) building containing a 300 seat banquet hall (basement level), a 150 seat restaurant (ground floor level), and an accessory apartment unit, (second floor), for property located at Nos. 1123, 1131 and 1135 Stone Church Road East, as shown on the attached map marked as Appendix "A", on the following basis:

- i) That the "M-13" (Prestige Industrial) District regulations as contained in Section 17E of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special requirements:
1. That notwithstanding Section 17E(1) (c) of By-law No. 6593, a restaurant and caterer including banquet facilities shall be permitted.
 2. That notwithstanding Section 17E(1) (e) of By-law No. 6593, an accessory dwelling unit which is incidental to the permitted restaurant use and located within the same building, shall be permitted.
 3. That Section 4. (3) (a) of By-law No. 6593 shall not apply to the two existing single-family dwellings, known municipally as Nos. 1131 and 1135 Stone Church Road East.

- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-59C be notated as S- .
- iii) That the City solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59C for submission to City Council.
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- v) That the Trenholme Neighbourhood Plan and the Mountain Industrial Area Plan be amended by redesignating the subject lands from "MULTI-CENTRE - CIVIC AND INSTITUTIONAL" to "MULTI-CENTRE - COMMERCIAL".

EXPLANATORY NOTE:

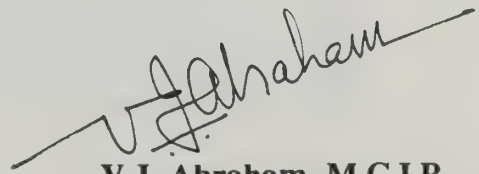
The purpose of the By-law is to modify the established "M-13" (Prestige Industrial) District regulations for property located at Nos. 1123, 1131 and 1135 Stone Church Road East , as shown on the attached map marked as Appendix "A".

The effect of the By-law is to allow the demolition of the existing dwelling known municipally as No. 1123 Stone Church Road East and the construction of a 2 storey building containing:

- a 300 seat banquet hall (basement level);
- a 150 seat restaurant (ground floor); and,
- an accessory apartment unit (second floor).

In addition, the By-law provides for a variance as a special requirement to allow the restaurant to be built on the same lot as two existing legal non-conforming single-family dwellings, known municipally as Nos. 1131 and 1135 Stone Church Road East.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department


V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The subject lands consist of three legal non-conforming dwelling units located on one lot. The proposal is to demolish the existing dwelling known as No. 1123 Stone Church Road East, and to construct a 2 storey, 466 m² (5,020 sq. ft.) building containing a 300 seat banquet hall (basement level), a 150 seat restaurant (ground floor), and an accessory apartment unit (second floor) for use by the owners of the restaurant.

The applicant wishes to retain the two remaining dwellings known as Nos. 1131 and 1135 Stone Church Road East, until such time as it is feasible to expand the restaurant/banquet business. In this regard, it is intended to eventually remove the two dwellings in order to expand the restaurant and banquet hall use.

- Surrounding Development

It should be noted that zoning modifications, to allow a variety of additional commercial uses, have been approved in the vicinity of the subject lands along Stone Church Road East. Specifically:

- **1175 Stone Church Road East (By-law 91-167)**
Modification to the "M-13" District to allow a number of additional commercial uses, including restaurants.
- **1185 Stone Church Road East (By-law No. 85-54)**
Modification to the "M-13" District to permit a miniature golf centre.
- **1221 Stone Church Road East (By-law No. 89-51)**
Modification to the "M-13" District to permit a car radio sales/installation establishment.
- **1249 Stone Church Road East (By-law No. 89-113)**
Modification to the "M-13" District to permit a number of additional commercial uses.
- **1120 and 1150 Stone Church Road East (By Law No. 89-205)**
Modification to the "M-14" District to permit a home design centre, containing numerous commercial uses.

- **1180 Stone Church Road East** (By-law No. 87-109)
Modification to the "M-14" District to permit a motor vehicle glass replacement shop and motor vehicle service.
- **1198 Stone Church Road East** (By-law No. 87-333)
Modification to the "M-14" District to permit an auto repair garage.
- "M" District Study

The "M" District Study does not propose to add restaurants to the list of permissible uses for the "M-12", "M-13", "M-14" or "M-15" (Prestige Industrial) Districts. It proposes to maintain restaurants within the "M-11" Districts only.

APPLICANT:

Mr. Chin Shee Shing and Mrs. Chin Nor Fai, owners.

LOT SIZE AND AREA:

- 73.30 m (240.50 ft.) of lot frontage on Stone Church Road East;
- 91.44 m (300.0 ft.) of lot depth; and,
- 6,702 m² (72,150 sq. ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	three single-family dwellings	"M-13" (Prestige Industrial) District
<u>Surrounding Lands</u>		
to the north	City of Hamilton Traffic Operations Centre	"M-13" (Prestige Industrial) District
to the south	commercial and industrial uses	"M-11" (Prestige Industrial) District and "M-14" (Prestige Industrial) District, modified

to the east	vacant	"M-13" (Prestige Industrial) District
to the west	vacant	"M-13 (Prestige Industrial) District

OFFICIAL PLAN:

The subject lands are designated "COMMERCIAL" on Schedule "A" - Land Use Concept Plan of the Official Plan. The following policies, among others, would apply:

"2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities. In addition to the primary permitted uses, the following may be permitted within COMMERCIAL areas provided that they have been designated in the Neighbourhood Plan:

i) Residential uses subject to the following provisions:

c) in the case of a Residential use ancillary to a COMMERCIAL USE, sufficient amenity space will be provided exclusively for the Residential component and be physically separated from the COMMERCIAL component and associated customer parking areas.

2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:

ii) Larger scaled "Highway" Commercial uses on deep lots, reliant on locations readily accessible to private vehicles specifically coming to, and parking on, the premises to do business.

A.2.2.15 Council recognizes EXTENDED COMMERCIAL areas as viable forms of Commercial development that satisfy the needs of certain businesses for visibility and accessibility.

2.2.19 Development within EXTENDED COMMERCIAL areas will be through infilling and redevelopment in order to consolidate the viability of these areas and to restrict their indiscriminate extension into stable areas of the non-Commercial uses. Such development will only be permitted where traffic and/or parking problems will not be created and subject to the approval of the Region."

In addition, the subject lands are designated as a "Multi-Centre" on Schedule G - Planning Units of the Official Plan:

- "D.2.3 Developing or undeveloped PLANNING UNITS will be grouped to form "Communities", consisting of up to four (4) predominantly Residential Neighbourhoods and a "Multi-Centre", as indicated on Schedule "G". It is intended that the Multi-Centres will contain a variety of land uses, combining to create a vibrant and functional focus for community life. In this regard, within the Multi-Centre, Council will:
- ii) Ensure the integration of related community facilities, such as Libraries, Secondary Schools, Parks, churches or community centres, as well as multi-family residential development;
 - iii) Encourage the development of land uses providing employment opportunities for residents of the community;
 - iv) Promote designs which are oriented to the pedestrian, and to increased energy efficiency;
 - v) Detail the distribution of land uses through NEIGHBOURHOOD PLANS, subject to necessary amendments to this Plan."

The proposal complies with the intent of the Commercial designation as well as the intent of the Multi-Centre policies.

NEIGHBOURHOOD PLAN:

The subject lands are designated "MULTI-CENTRE - CIVIC AND INSTITUTIONAL" on the Trenholme Neighbourhood Plan and approved Mountain Industrial Area Plan. The proposal requires a redesignation to "MULTI-CENTRE - COMMERCIAL".

COMMENTS RECEIVED:

- The Building Department has advised that:
 - "1. The classification of a Restaurant, licensed S.I.C. # 9211 or restaurant, unlicensed S.I.C. # 9212 are not permitted in a M-13 District.
 - 2. To have more than one principal building on a lot, when one building is used for residential purposes is not permitted.

3. The parking required for the restaurant is determined on the number of persons who may be lawfully accommodated.
4. Based on the total building area, one 3.7 m x 9.0 m x 4.3 m loading space is required.
5. Demolition approval of the existing residential building by the Planning and Development Committee under Demolition Control By-law is required.
6. Any signs are subject to the M-13 District provisions.
7. Detailed plans have not been submitted to determine compliance."

The following additional comments were received from the Building Department, based on a preliminary site plan:

- "1. Comments #1 and #2 in my letter of June 15th, 1992, are the same.
2. Our Department will establish the capacities of both uses. The parking will be based on the legal capacity, not the stated capacity by the owner. The proposed capacity of 450 persons for the restaurant and hall will require seventy-five (75) cars. Please inform the owner the basement will be calculated for the most stringent capacity which is loose chairs for a meeting, film night etc.
3. The three (3) residential units require four (4) parking spaces.
4. Comments numbered #4, #5, #6 and #7 in my letter of June 15, 1992 are the same."

- The Hamilton-Wentworth Roads Department - Development has advised that:

"There are public watermain and separate storm and sanitary sewers available to service these lands.

The designated road allowance width of Stone Church Road is 30.48 m. In accordance with this designation, we recommend that as a condition of development approval that sufficient lands be dedicated to the Region to establish the property line 15.24 m from the centreline of the original Stone Church Road road allowance.

Any works which may occur within the Stone Church Road road allowance, as widened, must conform to the Region's Road Use By-law.

The Traffic Department is to comment on access design. We recommend that the subject lands be developed through site plan control and at that time we will provide detailed comments on grading, setback, landscaping, etc."

- The Traffic Department has advised that:

"If the ultimate design will necessitate the demolition of both properties, we would like to know what is being ultimately proposed after their removal to allow us to determine the suitability of driveway accesses, parking, loading, etc. for this site.

We recommend that the westerly driveway be flared evenly like the easterly driveway.

The pedestrian walkways and parking layout are satisfactory. We suggest that the two middle pedestrian walkways in the parking lot be a painted delineation instead of a raised island. This would facilitate vehicular movement and maintenance in the lot (i.e. snow removal).

The applicant has provided a 15.2 m x 3.66 m loading space on the east side of the parking lot. According to the Zoning By-law the loading space should be 18.0 m x 3.7 m. We recommend that the space be the required size and positioned where loading is most likely to occur."

- The Hamilton Region Conservation Authority, Hamilton-Wentworth Economic Development Department, Hamilton-Wentworth Roads Department - Special Project Office, and the City of Hamilton - Real Estate Division, have no comments or objections.

COMMENTS:

1. The proposal complies with the intent of the Official Plan.
2. The proposal requires an amendment to the Trenholme Neighbourhood Plan and Mountain Industrial Area Plan to redesignate the subject lands from "MULTI-CENTRE - CIVIC AND INSTITUTIONAL" to "MULTI-CENTRE - COMMERCIAL." It should be noted that the "CIVIC AND INSTITUTIONAL" designation was applied to this quadrant of the Multi-Centre, to reflect public owned lands to the north and west of the subject lands.
3. Restaurants are not anticipated to be added to the "M-13" District by the "M" Districts Review. However, the lands at the north-east corner of Upper Ottawa and Stone Church Road East are an exception because they are designated "Commercial" in the Official Plan and are designated Multi-Centre in the Trenholme Neighbourhood and Mountain Industrial Area Plans, whereas other "M-13" lands are designated by the Official Plan and Neighbourhood Plans for "Industrial" use.

4. The two existing single-family dwellings known municipally as Nos. 1131 and 1135 Stone Church Road East would remain on the subject lands. It should be noted that these are legal non-conforming uses and therefore, it would be preferable for them to cease. However, the applicant has indicated that the ultimate plan for the subject property is to eventually remove the two legal-nonconforming dwellings to expand the restaurant/banquet business.
5. The proposal has merit and can be supported for the following reasons:
 - it implements the intent of the "Commercial" designation in the Official Plan;
 - it implements the intent of the "Multi-Centre", to provide commercial services and employment opportunities;
 - it is suitably located at a designated Multi-Centre, near the intersection of two major arterial roads;
 - the proposed commercial use is consistent with established commercial uses and zoning modifications in the vicinity of the subject lands, along Stone Church Road East;
 - the proposal would not interfere with the orderly development of the Mountain Industrial Area, and would serve the industries in the area and their personnel; and,
 - the proposal would be compatible with existing and future intended uses in the area.
6. Modifications to the "M-13" District regulations are required to allow an accessory apartment dwelling unit and to allow the proposed restaurant on the same lot as the two existing legal non-conforming single-family dwellings.

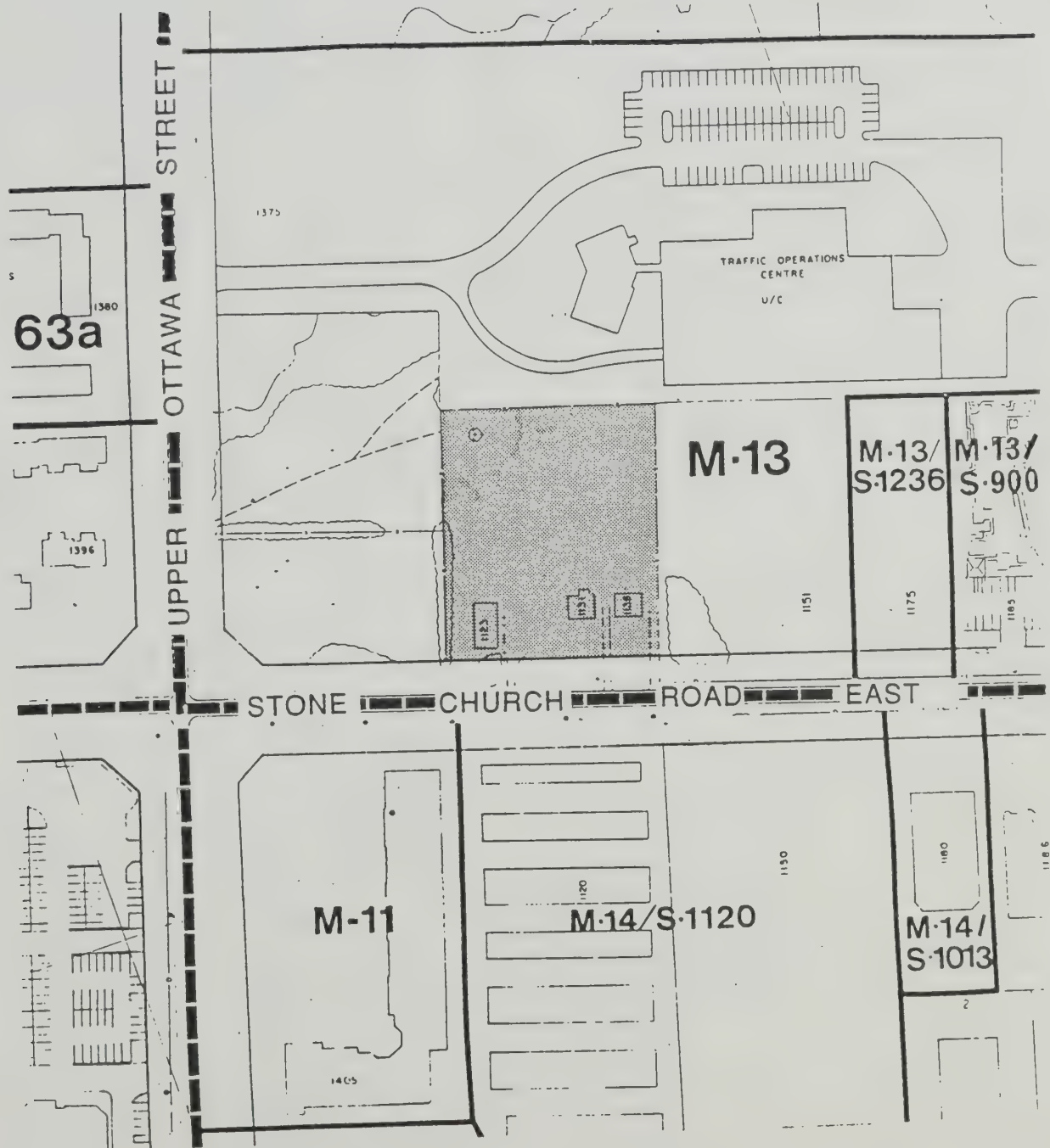
The Building Department has indicated that detailed plans have not been submitted to determine compliance. Further, as indicated by the Traffic Department, the preliminary site plan submitted with the application provides a 15.2 m x 3.66 m loading space, whereas the By-law requires 18.0 m x 3.7 m. In this regard, it should be noted that By-law regulations must be met for parking, loading, access, etc. As well, any future expansion to the development must meet By-law regulations.

7. The "M-13" (Prestige Industrial) District is subject to Site Plan Control. As such, details of landscaping, access, parking, grading, etc. can be reviewed during the Site Plan approval process. As well, the required road widening, as per the comments of the Roads Department, should be made a condition of Site Plan Approval. In addition, any further expansion or revision to the development would also be subject to the Site Plan process.

CONCLUSION:

On the basis of the foregoing, the amended application can be supported.

CL-M/ma



Legend



Site of the Application



APPENDIX A



THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK
71 MAIN STREET WEST
HAMILTON, ONTARIO L8N 3T4

TEL: 546-2700
FAX: 546-2095

1992 October 29

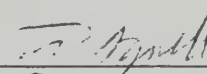
NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, November 4

9:30 o'clock a.m.

Room 233, City Hall



Tina Agnello, Secretary
Planning and Development Committee

AGENDA:

9:30 O'CLOCK A.M.

1. **HAMILTON GO CENTRE**

- (a) CAPIC'S report
- (b) Summary of Urban Design Recommendations
- (c) Planning Department report

2. **CONSENT AGENDA**

3. **DIRECTOR OF PUBLIC WORKS**

Public Works Department, Community Renewal Section, 1993-2002 Capital Budget

4. **COMMISSIONER OF PLANNING AND DEVELOPMENT**

The Commission on Planning and Development in Ontario (Sewell Commission) -
Proposed details on Planning reform

URBAN MUNICIPAL
OCT 31 1992
GOV
PLANNING DEPARTMENT

ZONING APPLICATIONS AND PUBLIC MEETINGS

10:30 O'CLOCK A.M.

5. Zoning Application 92-30, Mr. and Mrs. E. Ciardullo, owners, for modifications to the established "AA" District regulations for Block "1" and to the established "C" District regulations for Block "2", for property located at Nos. 1468 and 1478 Upper James Street; Mewburn Neighbourhood
6. Zoning Application 92-36, Mike Anderson, owner, for a further modification to the established "H" District regulations, for property located at No. 217 Cannon Street East; Beasley Neighbourhood
 - (a) Submission: Mrs. Valerie Rosati, 197 Wellington Street North

10:45 O'CLOCK A.M.

7. Zoning Application 92-17, Mr. Chin See Shing and Mrs. Chin Nor Fai, owners, for a modification to the established "M-13" District regulations, for property located at nos. 1123, 1131 and 1135 Stone Church Road East; Trenholme Neighbourhood

(not a public meeting)
8. Amended Zoning Application 92-22, Rolando Pineda Estrablillo, owner, for a change in zoning from "AA" to "C", modified, for Block "1" and for a modification to the established "C" District regulations for Block "2", for property located at No. 860 Upper Wentworth Street; Bruleville Neighbourhood

(not a public meeting)
9. Zoning Application 92-32, E. and T. Schoenholz, owners, for a modification to the "C" District regulations for property located at No. 719 Knox Avenue; Parkview West Neighbourhood (previously tabled with directions of referral to the Parks and Recreation Committee)
10. OTHER BUSINESS
11. ADJOURNMENT

OUTSTANDING LIST

PLANNING AND DEVELOPMENT COMMITTEE

<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
Mobile Signs		Planning	Report Pending
C.I.90-F - Parking requirements in the Central Business District	1990 July 25	Planning	Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee and report back
Site Plan Enforcement Procedures	1991 Jan. 23	Building, Regional Engineering, Planning	Report back on alternative proposals
Conditions of conversions - separate utility controls	1991 June 19	Building	Report pending
ZA 91-43 - 145 MacNab Street North	1991 October 23	Planning	a neighbourhood Tabled to resolve design issues and height of building.
Site Plan Control Application DA-91-50 - 45 Hempstead Drive	1992 January 8	Planning	Tabled - Applicant directed to proceed through Committee of Adjustment
Grading Requirements	1992 February 19	Roads Department	Report Pending
Roof Water Connections	1992 March 25	Building	Report Pending
11-13 Holmes Avenue 19th century log home	1992 June 24	Planning	Report pending
ZA-91-12 25 Hess Street South	1992 June 24	Applicant	Tabled for negotiations btwn. parties

<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>S T A T U S</u> between parties
ZA-92-03 212 James Street South	1992 June 24	Applicant Harper Brothers Holdings	Tabled to submit amended application
ZA-92-22 860 Upper Wentworth Street	1992 July 22	Applicant R. P. Estrabillo	Tabled to resolve neighbours concerns
ZA-92-17 1123, 1131 and 1135 Stone Church Road East	1992 August 19	Alderman Charters	Tabled for ward aldermen to get public input
ZA-92-19 412 Charlton Avenue West	1992 September 23	Traffic	Tabled for review of traffic conditions
ZA-92-08 1907 King Street East	1992 September 23	Applicant Faith Evangelical Lutheran Church	Tabled to resolve neighbours concerns
Zoning Verification/ Property Reports	1992 September 23	Building	Report to Committee on time required for requests and fees
Consultant for Go Transit Centre	1992 September 23	Planning	Planning staff to prepare terms of reference and estimated costs
Hill Street Group Foster Homes (delegation)	1992 October 21	Alderman T. Cooke	Tabled to 1992 November 18 meeting

1992 October 29

1a)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 October 28
P5-4-3-9C
P5-4-3-9F

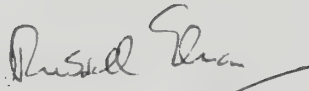
REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: Russell Elman
Chairperson,
Central Area Plan Implementation Committee

SUBJECT: Hamilton GO Transit Centre

RECOMMENDATIONS:

1. That a coordinated approach be undertaken for all activities and study of the lands surrounding the Hamilton GO Centre (Hunter Street, James Street, John Street, and Beckley Street) which will address land use, planning policy, urban design, traffic, and the issues as identified by the Advisory Committee on GO Transit, attached as APPENDIX "A", to be supported through the allocation of sufficient resources in staff and funding.
2.
 - a) That the recommendations for modifications to the GO Centre, as contained in APPENDIX "B", attached hereto, be endorsed; and,
 - b) That a copy of this report be forwarded to GO Transit with a request to address those issues which fall within its mandate.
3. That GO Transit be requested to undertake a full program of public participation, involving all affected residents, pertaining to the proposed layover yard at Victoria Avenue.
4. That GO Transit be requested to name the Hamilton GO Centre the "GO Hamilton Transportation Centre".
5. That the Advisory Committee on GO Transit remain at the call of the Chair, the Vice-Chairperson of CAPIC.



**Russell Elman,
Chairperson,
Central Area Plan Implementation Committee**

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- History of CAPIC's Involvement with GO Transit

During early 1988, CAPIC formed a sub-committee to examine the proposed relocation of GO Rail Service from the CN Station on James Street North to the TH&B Station on Hunter Street. The sub-committee's work culminated in a report submitted a report to the Planning and Development Committee recommending the following:

1. That the terminus for GO Rail be relocated at the CP (former TH&B) Station as soon as possible.
2. That a public meeting be held to solicit comments prior to a City Council decision on this matter.
3. That the decision on the reconstruction of the Hunter Street tunnel be deferred until the growth in service warrants further examinations.
4. That the CP station be developed as a multi-modal transport terminus and that the existing bus terminal be transferred to this station.
5. That the opening of the new terminus coincide with any improvement and/or changes to the HSR operations and the transferring of the existing bus terminal.
6. That the maximum GO Train frequency, including two-way service, be provided as soon as the new terminus is open and the operations be integrated with GO bus service.
7. That the Waterdown station be treated as a component of the initial project to provide commuter parking to serve the entire Region.

8. That the new terminus be developed as a mixed use development, including general purpose parking.
9. That the new terminus be of a high quality design and that the Urban Design Committee be requested to:
 - i) review any proposed CP station development with participation by the public; and,
 - ii) prepare guidelines for development in the area surrounding the CP station with participation by the public;
10. That every effort be made to retain and enhance the CP building as part of any development of the terminus.
11. That the Neighbourhood Associations and other interested groups participate in the process of identifying impacts and developing measures to mitigate adverse social and environmental impacts and enhance the social and physical environment, as part of the current study.
12. That the Central Area Plan Implementation Committee review this report and recommendations as further information is received and report back to the Planning and Development Committee.

At its meeting of March 30, 1988, the Planning and Development Committee adopted by the above recommendations.

- Public Participation Process

In May of this year, the Central Area Plan Implementation Committee became aware that the Preliminary Design Report on the Hamilton GO Centre was being used as the basis for the preparation of final construction and working drawings for the renovation and conversion of the former TH&B Station to the Hamilton GO Centre (rail and bus service). GO Transit plans to issue the construction and working drawings for tendering in early 1993.

In order to provide GO Transit with input from the City's perspective, a report was submitted to the Planning and Development Committee in July of 1992, from the Urban Design Committee, requesting the formation of a committee to examine the proposed redevelopment of the TH&B station from the City's perspective. The Planning and Development Committee directed staff to hold a meeting to discuss the GO Centre proposal with interested parties. Two meetings were held with interested stakeholders, staff, and GO Transit. The stakeholders recommended that a citizen-based advisory committee be formed to identify issues pertaining to the GO Centre and the surrounding lands (under the jurisdiction of the City). A report was submitted to the Planning and Development Committee at its meeting of September 23, 1992 recommending the formation of the Advisory Committee on the GO Centre as a sub-committee of CAPIC.

The Terms of Reference for the Advisory Committee are attached as APPENDIX "C". The recommendation to form the Advisory Committee was adopted by the Planning and Development Committee.

The Advisory Committee has met several times during August, September, and October. A public meeting was held on September 23rd, 1992 and was attended by approximately two hundred citizens. The Committee's deliberations have produced a document summarizing the issues identified for the GO Centre and its surrounding environment (see APPENDIX "A").

- Recommendations - Advisory Committee Report

The Advisory Committee submitted its report to CAPIC for CAPIC's meeting of October 9, 1992. At that time, CAPIC endorsed the report of the Advisory Committee and recommended it be included in a report from CAPIC to the Planning and Development Committee. CAPIC endorsed the report of the Urban Design Committee respecting the GO Centre and recommended that those issues beyond the design considerations be evaluated in conjunction with the recommendations of the Urban Design Committee through a coordinated approach of all activities both at the GO Centre and in the surrounding area. Such a coordinated approach may include a special study and must be undertaken in a timely manner so that GO Transit is not delayed in its work on the station.

Respecting the GO Station, the members of CAPIC have specific concerns relating to its development and these are attached as APPENDIX "B". It would be appropriate that these recommendations be endorsed and forwarded to GO Transit. As the station is intended to function as a major transportation node for the City and Region (as well as the surrounding communities), it would be appropriate to request GO Transit to name the Centre the "GO Hamilton Transportation Centre".

Regarding the proposed Victoria Avenue layover yard, GO Transit has indicated that it is their intention to proceed with the yard. However, the Environmental Assessment approval certificate issued by the Minister of the Environment requires GO Transit to consult with the municipality and affected ratepayers. CAPIC supports public participation and, as this is an issue that is of concern to residents of Stinson Neighbourhood, it would be appropriate that area residents be fully consulted.

Should any further issues arise requiring public input, it would be appropriate that the members of the Advisory Committee on GO Transit remain at the call of the Chair which is the Vice-Chairperson of CAPIC.

MLT:dkp

APPENDIX "A"

ISSUES PAPER

This paper is a list of issues identified by the Advisory Committee on GO Transit. It pertains to the land surrounding the TH&B Station; however, there are issues linking to the station itself and these, too, are included in this document.

1. Vehicular Traffic

- The function of Hughson Street in terms of vehicle and pedestrian use is a major issue and must be resolved.
- Baillie Street is a quiet cul-de-sac in the middle portion of Corktown Neighbourhood. GO is proposing an access from Baillie Street to its eastern parking lot (for its tenants). There is concern this access will increase traffic volumes to an unacceptable level in Corktown Neighbourhood and on Baillie Street.¹
- Traffic control should be reviewed along John Street in the vicinity of Augusta Street due to concern about bus access to John Street from the GO Centre.
- GO Centre signs should be posted on the arterial roads to help keep traffic off the neighbourhood streets.
- Haymarket Street may be used as an alternate access to the bus area at the rear of the station. Should this happen, traffic levels in Corktown Neighbourhood will increase. Vehicle movement around the station, including Haymarket Street should be fully studied.

2. Pedestrian Traffic

- It is anticipated that pedestrian traffic in the area of the GO Station will increase. A thorough study of pedestrian and vehicular traffic in the area of John, Jackson, James and Augusta Streets, including links to the downtown core, should be undertaken.
- Facilitating pedestrian crossing of Hunter Street must be addressed as the volumes of traffic on Hunter Street will make the pedestrian crossing of Hunter Street difficult. Pedestrian crossing of Hunter Street is important because:

¹ As of October 16, 1992, GO Transit has informed the Planning Department, in writing, that this access via Baillie Street is no longer being considered.

- a) the major east-west HSR routes are on King and Main Streets; and,
 - b) the Hughson corridor will provide a main access to the downtown core and Gore Park.
- Secondary pedestrian routes should be established east and west along Hunter Street.

3. Parking

- It is GO Transit's intention to establish the Hamilton GO Centre as a service point for persons accessing Hamilton via public transit. In this regard, long-term commuter parking will not be provided by GO Transit in the vicinity of the station; that function is fulfilled by the Aldershot Station in Burlington. In light of this philosophy, the provision of other parking facilities in the area should be reviewed as some members of the Advisory Committee felt additional parking facilities should not be provided in the area. It should be noted that other members of the Committee felt that parking facilities in this area of Hamilton should be increased.
- Lighting in the two parking lots at the western and eastern ends of the station should be directed away from the neighbourhood residential areas.
- Parking controls in Corktown Neighbourhood should be reviewed in order to prevent long-term on-street parking.
- The property currently owned by the City, at the north-east corner of Hughson and Hunter Streets known as the former Health Building, is proposed for redevelopment by the Parking Authority. Redevelopment of this property should incorporate urban design principles to add to the area around the station.
- The design of any new building, either public or private, on this site should be reviewed in order to address urban design and streetscaping issues vis-a-vis the GO Centre.

4. Accessibility

- Wheelchair access, at grade, with level crossings, should be provided in the station and at the bus terminal.
- Street corners must be accessible (level crossings). Crossings should not impede the movement of either physically disabled persons or the visually impaired.
- Wheelchair access to the bus terminal at Hughson Street South and Haymarket Street should be provided.

- The steps and access from Haymarket Street should be designed as a generous and inviting space.

5. GO - HSR Links

- The main east-west HSR bus routes are on Main and King Streets. John Street South and James Street South are the major north and south routes. The following are the issues identified:
 - a) Pedestrian links to the east-west bus routes must be established on Hughson Street and enhanced.
 - b) North-south bus links at the GO Centre are in the planning phases. The existing bridges at James and John Streets are being reviewed for reconstruction. Reconstruction must be completed prior to the commencement of GO Service in order to avoid any interruption of GO Rail Service.
 - c) The main H.S.R. bus terminus should remain in Gore Park.
- The proposed replacement bridges at James and John Streets should be designed with full public consultation.
- The HSR drop off areas at James and John Streets must be resolved in order to achieve the following:
 - a) ease of access from James and John Streets for passengers;
 - b) integration of HSR Service with GO Service.

6. Heritage

- The heritage features of the T.H. & B. station, both its building and site, should be retained.
- The MacNab-Charles Heritage District should not be compromised. Hurst Street is narrow (6.0 m) and any widening of the track lands onto Hurst Street may affect the Heritage District properties.

7. Streetscaping

- Serious consideration should be given to the improvement and provision of high quality streetscape elements.

The station area should link up with such areas as the MacNab-Charles Heritage District and future Ferguson Avenue developments. Streetscape improvements

should extend into the neighbourhoods which will be most impacted by the GO Centre's development.

Streetscape elements would include and provide for, but not limited to, the following, in a comprehensive design:

- Tree Planting
 - Lighting
 - Planters and Planting
 - Seating
 - Signage
 - Bus Shelters and Stops
 - Public Telephones
 - Information Kiosks
 - Newspaper Boxes
 - Mail boxes
 - Wheelchair ramps
 - Drinking fountains
 - Bicycle Racks
 - Overhead Shelters
- Landscaping on the arterial roads and the pedestrian routes (trees and shrubbery) should be provided.
 - Building facade design and treatment should enhance the streetscape spaces.
 - Advertising features around the GO Centre should be fully evaluated.

8. Layover Yard

Because of the very grave concerns regarding the location of the layover yard at Victoria Avenue, the city should initiate urgent and thorough discussions with the GO and Rail authorities, to evaluate all alternatives for the location of the layover yard.

Specific concerns regarding the layover yard are:

- night time activity at the layover yard. Concerns include the servicing of the trains at this yard, the movement of trains at night in the yard, the internal lights in the train remaining on, noise emanating from the yard from trains running at night, i.e. air conditioning, train start-up, etc..
- overpowering air pollution from the trains.
- inadequate noise attenuation measures.
- objectionable noise attenuation measures such as high walls, etc.
- light pollution from security lights to adjacent properties.
- loss of privacy, due to the close proximity of bi-level trains.
- lack of security to the yard from City streets and school site.

- question of future use and operation of yard if planned expansion of service occurs.

Note for Information:

The Environmental Assessment approval included an approval for a layover yard at Victoria Street. The approval of this yard is subject to the fulfilment of the following conditions:

- "• GO Transit will consult with the local ratepayers and municipality for public input on the design and construction of the proposed Victoria Street storage yard;
- prior to the commencement of construction of the Victoria Street storage yard, GO Transit shall provide for the review and acceptance by the Ministry of Environment (MOE) Noise Assessment and Systems Support Unit, a Design and Construction Monitoring Report which details specific mitigation measures;
- GO Transit will only construct and operate the Victoria Street storage yard in accordance with the specific mitigation measures specified in the accepted report" (as noted in the previous condition).

GO Transit has hired a consultant to examine the layover yard at Victoria Street as well as other possible locations (all of which are further to the east). However, there is no requirement that GO select an alternate location to the Victoria Street yard, unless this site does not satisfy M.O.E. requirements.

9. Other

- North Corktown Park - the tracks run directly south of this park. A barrier to prevent access from the park should be provided.
- Noise emanating from the rail line in Corktown Neighbourhood should be mitigated through the provision of visually attractive noise barriers.
- There is concern about land speculation in the area of the GO Centre and that appropriate development guidelines should be established.

10. Co-Ordination

It was the general opinion of the Sub-Committee that there is a very real need for a highly qualified, experienced professional coordinator to ensure resolution of issues regarding the Hamilton GO Transit Centre, as outlined in the foregoing.

APPENDIX "B"

COMMENTS ON THE GO STATION

1. That an enclosed waiting area be provided for bus passengers adjacent to the bus loading area.
2. That provision be made for taxi drop-off and pick-up at the rear of the station building (on Haymarket Street) to serve bus passengers.
3. That GO Transit examine ways to improve passenger safety in crossing the bus platform from the waiting area to Haymarket Street and Hughson Street. The current proposal will require passengers to cross the bus platform (the area where buses drive into and out of the station) in order to access Hughson Street and Haymarket Street.
4. That GO Transit incorporate the following features into the station design to provide safety and security for its passengers:
 - a) benches in the public areas of the station and the bus waiting area;
 - b) appropriate lighting in waiting areas and stairwells;
 - c) emergency telephones;
 - d) retail operations (e.g. coffee shop, newspaper kiosk) with operating hours coinciding with train and bus arrivals/departures;
 - e) information on links to other transit opportunities (e.g. Canada Coach, HSR);
 - f) a map of Hamilton to orient passengers to the City;
 - g) signs indicating access to other facilities (e.g. Copps Coliseum, Hamilton Place) in the area.
5.
 - a) Wheelchair access, at grade, with level crossings, should be provided in the station and at the bus terminal.
 - b) Wheelchair access to the bus terminal at Hughson Street South and Haymarket Street should be provided.

APPENDIX "C"

ADVISORY COMMITTEE ON THE HAMILTON GO TRANSIT CENTRE

TERMS OF REFERENCE

PURPOSE:

The purpose of the Advisory Committee is to facilitate the review of plans for the Hamilton GO Transit Centre, including especially the station building's interface with the surrounding area; and the proposed train layover area to the east.

SCOPE:

The committee will address the detailed design of the station building and the associated bus transit terminal, including both interior and exterior areas; with consideration to such issues as (but not restricted to) pedestrian access, pedestrian/vehicle interface, safety from assault, location and impact of parking areas, urban design issues and other such issues as may be identified. The layover yards proposed to the east of the station are also to be reviewed. There is no intent to re-evaluate major decisions made and approvals given with regard to this project, such as the location of the GO station and the restoration of the station.

MEMBERSHIP:

The Committee will consist of representatives of various planning advisory committees which deal with matters related to the GO Station, such as CAPIC, Urban Design Committee, LACAC, Durand Plan Implementation; as well as representatives of neighbourhood associations in the central area, such as Durand, Stinson, St. Clair, Corktown and Beasley; downtown B.I.A.'s; and a downtown Alderman. Staff members from various departments (including Planning; Transportation/Environmental; and Traffic) will also be requested to act as resource people for the Committee, as required.

APPROACH:

The Committee will meet to identify issues of concern; determine how to review these issues; request input and comments from each of the component groups which make up its membership; plan and hold one or more public meetings, to enable the provision of input by the Committee and the general public; review and compile public input obtained; prepare consolidated recommendations, including specific, constructive comments, where possible; report, through CAPIC, to the Planning and Development Committee and City Council, on its comments concerning the GO Transit Station. This is all to be done in a timely manner, without causing undue delay to the project, and recognizing the extensive design work already completed and underway, and the approvals obtained for various aspects of the project. The final reporting of the Committee's recommendations concerning the GO Station is anticipated to be provided to City Council by approximately the end of October, 1992. Plans for the layover yard will also be reviewed, as soon as these become available.

16.)

CITY OF HAMILTON

- RECOMMENDATION -

RECEIVED

OCT 28 1992

CITY CLERKS

DATE: 1992 October 9

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Urban Design Committee

SUBJECT: Summary of Urban Design Recommendations Hamilton GO
Centre

RECOMMENDATION:

That in regard to the proposed Hamilton GO Transit Centre, that the following action be taken:

1. That a thorough study be commissioned immediately of the interface between the anticipated pedestrian and vehicular traffic in the area (John, Jackson, James and Augusta) surrounding the GO Centre. This study would result in recommendations concerning routing of vehicular traffic, and giving pedestrians the right of way in this forecourt area.
2. That priority be given to designing an urban landscape which gives pedestrians a sense of place, safety and well being, and gives them priority of movement over automobiles in the junctions serving the GO Centre.
3. That the proposed design of the bus terminal be reviewed, and modified so that the building becomes an important visual asset to its environs.
4. That a review of the potential of incorporating features, such as 24 hour retail activities, be undertaken in order to improve pedestrian safety and enhance traveller conveniences in the immediate area of the GO Centre.
5. In conformity with the approved Environmental Assessment, the GO Master Plan for Hamilton, the recommendations of the Regional Task Force on Sustainable Development, and City and Regional Councils' stated intent to attract incoming passengers (who will not require parking); that no public parking facility be developed in the area of the GO Centre.
6. That the following urban design guidelines be adopted in the final Hamilton GO Centre design:
 - a) that the visual connection between the station and our downtown core be strengthened by ensuring that future developments north of the station will frame and enhance existing sight lines.

- b) that the physical connection between the GO Centre and Hughson Street be strengthened by providing safe, direct pedestrian access across Hunter north along Hughson Street.
- c) that direct, easily identifiable pedestrian access be provided through the station from the neighbourhood to the south, northward along Hughson Street.
- d) that secondary pedestrian circulation routes from the station east and west along Hunter be incorporated, in an aesthetically pleasing, safe and functional manner.
- e) that the significance of the building as a historical landmark be reflected in its site development.



Peter L. Hill, Chairman
Urban Design Committee

BACKGROUND:

The Urban Design Committee previously presented to the Planning and Development Committee five major concerns with respect to the GO Centre. Since that time, the Urban Design Committee has worked to develop recommendations and preliminary design concepts for the urban context within which the GO Centre will be built. We hope that these recommendations will be useful in developing the interface with the 1991 Preliminary Design Report as the project moves toward the construction stage.

Each of the recommendations is referenced by one or more principles which the Urban Design Committee feels it is important to have respected in the final design. These principles provide some brief background information with respect to the recommendations.

PRINCIPLES FOR DESIGNING THE URBAN CONTEXT OF THE GO CENTRE

1. Apparent lack of study of pedestrian movement in vicinity of GO Centre

Principle 1

In any transportation centre, particularly an intermodal one, the pedestrian must be provided with direct, safe, fast and easy access to all forms of transportation, particularly those interconnecting forms of travel which have to be walked to either along or outside of the perimeter of the station itself. Pedestrian movement should have priority over vehicular movement.

The present Preliminary Plan which is being built does not recognize Principle 1 at all. A mere glance at the plan will show that there is no direction in which a pedestrian may move from the perimeter of the centre without yielding the right of way to vehicular traffic.

It would seem that inadequate weight has been given to the priority of movement by pedestrians. This needs to be recognized and rectified.

2. The lack of a landscaped area at the front (north entrance to the GO Centre)

Principle 2

Good urban design and good planning practice, require that landscape design be an integral component of the site development for such a facility; vehicular movement should not take precedence to the extent that people have a sense that nature has been excluded.

Over the last several months, probably for over a year, there have been many suggestions regarding the design of the area to the north of the GO Centre. One of the more interesting ones was done by architect John Mokrycke and presented to the Planning and Development Committee. This design defines a linear connection for pedestrians from the square in front of the GO Centre to King William Street, parting them from dangerous and polluting vehicular traffic, north along Hughson Street. In addition, certain proposals were made for the large square in front of the main entrance of the GO Centre which is now largely taken over by Hunter Street. His proposals are worthy of study since they reflect many good urban design characteristics.

Similarly, the area to the south of the GO Centre needs to be studied because though the official drop-off may be contemplated as being near the main entrance, the fact is that all drop-offs from the south will likely be done on Haymarket Street because the return up the Mountain is easier. It is safe to say this has not been provided for in the current thinking.

3. The uncovered Bus Terminal to the south and its relation to the surrounding neighbourhood

Principle 3

Climatic factors require that people be protected from the elements in a significant way during all seasons when transferring from one form of transit to another.

Our climate frequently makes being a pedestrian in an urban setting difficult. Covered, well-ventilated transfer sites are necessary in all seasons: in winter, salty splash from buses, slush, precipitation; in summer, blown dust, hot sun, heavy rains. The design of the bus terminal should be such that pedestrians are saved from all these elements.

In addition to these functional requirements, it is necessary that the structure contribute aesthetically to the immediate area, and become an architectural asset to its neighbourhood.

4. The treatment of the rail bridges at James and John Streets

Principle 4

Underpasses/bridges of this magnitude need to have design elements built into them to mitigate the outcomes of their intrinsic nature including, inter alia: pedestrian safety from vehicular movement and criminal attack, bird droppings, and traffic slowdowns.

There are many instances in cities around the world which demonstrate how creativity can happily overcome problems associated with necessity. In this instance, treatment of bridges and underpass can be combined with the provision of retail space, short-term storage for travellers, bicycle parking, travel and tourist information, etc.

One of the benefits of building such features into the underpass at the GO Centre is that the potential of assault will be reduced if there are all-night, staffed traveller facilities available.

5. The parking requirements, if any

Principle 5

If we truly wish to design a downtown that is pedestrian friendly, every attempt should be made to limit the extension of parking facilities in the area of the GO Centre, and depend on public and private parking facilities outside of the area.

One major argument for placing the GO Centre at the T.H. & B. station was to attract people to the new Copps Coliseum, Hamilton Place and other downtown attractions. People arriving on a train will not require parking.

One major reason for opening the Waterdown Station first, and much earlier than the T.H. & B. location, was to attract the commuters who wish to use automobiles to arrive at the GO station. The Waterdown station is intended for such people. The downtown GO Centre is intended for those using other forms of public transit and for "kiss-and-ride" commuters. Such people will also not need parking.

In other words, it was never intended that the GO Centre generate significant additional parking requirements. One of the pre-requisites for sustainable development is that people should walk more. One of the pre-requisites for an active street life is to increase the number of pedestrians (not to mention the increased retail activity which will benefit downtown merchants).

Efforts to construct additional parking in close proximity to the new GO Centre should be strongly opposed, not only for these two reasons but on others of design, sense of urban context and pedestrian safety.

1c)

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

DATE: 1992 October 27
P5-4-3-9F

OCT 28 1992

E. J. O'Connell

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

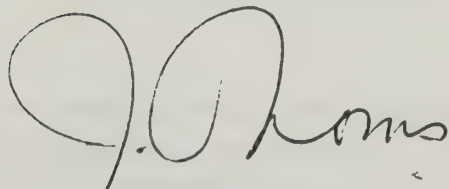
CITY CLERKS

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

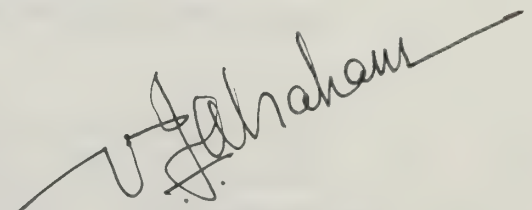
SUBJECT: Hamilton GO Transit Centre

RECOMMENDATIONS:

1. That the Planning and Development Department be directed to approach the Province for funding to undertake a consultant study to review the design and land use in the vicinity of the proposed Hamilton GO Centre.
2. That the issues identified in the reports of the Central Area Plan Implementation Committee and the Urban Design Committee, concerning the Hamilton GO Centre, be incorporated into the Terms of Reference for the consultant study of the land in the vicinity of the GO Centre.
3. That GO Transit be requested to address those issues identified by the Committees, as outlined in APPENDIX "A".
4. That the Chief Administrative Officer for the City of Hamilton be appointed as the Coordinator for all municipal review and activity for the GO Centre and surrounding area.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The Province should be approached to fund any further study of the area surrounding the GO Centre.

BACKGROUND:

On July 22, 1992, the Planning and Development Committee, on the basis of a recommendation from the Urban Design Committee, requested various committees and organizations (i.e. - C.A.P.I.C., H.S.R., Parking Authority, Urban Design Committee, etc.) to review the final design drawings created by the consultant and to recommend acceptance or modifications to Regional Council. At the same time, the Chief Administrative Officer requested the Planning and Development Department to co-ordinate comments from the various departments on the GO Transit Centre.

The Central Area Plan Implementation Committee and the Urban Design Committee have formed sub-committees to examine various issues pertaining to the new Hamilton GO Transit Centre, to be located in the former TH&B Station on Hunter Street East. Both sub-committees have completed their work and have submitted reports, via their respective committees, to the Planning and Development Committee.

COMMENTS:

1. The reports outline a variety of issues pertaining to both the GO Station and its surrounding environment. The Planning and Development Department is currently preparing a Terms of Reference for a consultant study as per the direction of the Planning and Development Committee at its meeting of September 23, 1992. The Department supports the issues identified by both Committees. It would be appropriate to incorporate the issues identified by the Committees into the Terms of Reference for the consultant study in order that these issues may be addressed.
2. In addition to the above-noted direction pertaining to the consultant study, staff were also directed by the Planning and Development Committee to determine the means of funding the study. The study will facilitate the integration of the land in the area of the GO Station with the station itself and, as the station is a provincial initiative, it would be appropriate to seek funding from the provincial government for the study.
3. Many of the issues identified by the sub-committees pertain to the GO station. These recommendations are outlined in APPENDIX "A". It would be appropriate that these recommendations be forwarded to GO Transit for their review and incorporation into their plans.

4. There are many issues identified by the sub-committees that address multi-Department issues. Both sub-committees have indicated that coordination of the proposed consultant study, and its implementation, is key to the success of the initiative. In order to address the issue of coordination across Departments, it would be appropriate that this role be assigned to the Chief Administrative Officer.

MLT:dkp

APPENDIX "A"

SUMMARY OF ISSUES PERTAINING TO THE HAMILTON GO TRANSIT CENTRE

- GO Centre signs should be posted on the arterial roads to help keep traffic off the neighbourhood streets.
- Wheelchair access, at grade, with level crossings, should be provided in the station and at the bus terminal.
- Wheelchair access to the bus terminal at Hughson Street South and Haymarket Street should be provided.
- The heritage features of the T.H. & B. station, both its building and site, should be retained.
- Streetscape elements would include and provide for, but not limited to, the following, in a comprehensive design:
 - Tree Planting
 - Lighting
 - Planters and Planting
 - Seating
 - Signage
 - Bus Shelters and Stops
 - Public Telephones
 - Information Kiosks
 - Newspaper Boxes
 - Mail boxes
 - Wheelchair ramps
 - Drinking fountains
 - Bicycle Racks
 - Overhead Shelters
- Because of the very grave concerns regarding the location of the layover yard at Victoria Avenue, the city should initiate urgent and thorough discussions with the GO and Rail authorities, to evaluate all alternatives for the location of the layover yard.

Specific concerns regarding the layover yard are:

- night time activity at the layover yard. Concerns include the servicing of the trains at this yard, the movement of trains at night in the yard, the internal lights in the train remaining on, noise emanating from the yard from trains running at night, i.e. air conditioning, train start-up, etc..
- overpowering air pollution from the trains.
- inadequate noise attenuation measures.
- objectionable noise attenuation measures such as high walls, etc.
- light pollution from security lights to adjacent properties.

- loss of privacy, due to the close proximity of bi-level trains.
- lack of security to the yard from City streets and school site.
- question of future use and operation of yard if planned expansion of service occurs.
- Noise emanating from the rail line in Corktown Neighbourhood should be mitigated through the provision of visually attractive noise barriers.
- That the Hamilton GO Centre be named the "GO Hamilton Transportation Centre".
- That an enclosed waiting area be provided for bus passengers adjacent to the bus loading area.
- That provision be made for taxi drop-off and pick-up at the rear of the station building (on Haymarket Street) to serve bus passengers.
- That GO Transit examine ways to improve passenger safety in crossing the bus platform from the waiting area to Haymarket Street and Hughson Street. The current proposal will require passengers to cross the bus platform (the area where buses drive into and out of the station) in order to access Hughson Street and Haymarket Street.
- That GO Transit incorporate the following features into the station design to provide safety and security for its passengers:
 - a) benches in the public areas of the station and the bus waiting area;
 - b) appropriate lighting in waiting areas and stairwells;
 - c) emergency telephones;
 - d) retail operations (e.g. coffee shop, newspaper kiosk) with operating hours coinciding with train and bus arrivals/departures;
 - e) information on links to other transit opportunities (e.g. Canada Coach, HSR);
 - f) a map of Hamilton to orient passengers to the City;
 - g) signs indicating access to other facilities (e.g. Copps Coliseum, Hamilton Place) in the area.
- The lack of a landscaped area at the front (north entrance to the GO Centre).
- The closest access to the bus platform and waiting area is from Haymarket Street. This area should be re-evaluated as it is the most logical drop-off point for passengers accessing the bus platform.

2.

PLANNING AND DEVELOPMENT COMMITTEE

WEDNESDAY, 1992 NOVEMBER 4

CONSENT AGENDA

A. ADOPTION OF THE MINUTES

URBAN MUNICIPAL

Minutes of the meeting held 1992 October 21

GOV. DOCUMENTS

B. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

- (a) Dominion Public Building (new Consolidated Courthouse) - 10 John Street South
- (b) Heritage Easement Agreement - 235 Bowman Street

C. DIRECTOR OF PUBLIC WORKS

Phase IV of the Downtown Action Plan; Public Service Announcement Competition

D. BUILDING COMMISSIONER

- (a) Commercial Facade Loan Programme - 533-537 Concession Street
- (b) Second Level Lodging Home Rehabilitation Programme - 106 Catherine Street South
- (c) Demolition Permits:
 - (i) 1098 Upper James Street
 - (ii) 1106 Upper James Street
 - (iii) 1147 Upper James Street
 - (iv) 106 Hillyard Street
 - (v) 175 Niagara Street

E. COMMISSIONER OF PLANNING AND DEVELOPMENT

- (a) Draft Plan of Condominium 25CDM-89003, 591613 Ontario Inc., c/o K. VanDerSchaaf, owner, for a draft plan of condominium located on the north side of York Boulevard, between Crooks Street and Magill Street; Strathcona Neighbourhood
- (b) Central Area Plan Implementation Committee (CAPIC) updated membership

Wednesday, 1992 October 21
9:30 o'clock a.m.
Room 233, City Hall

A.

The Planning and Development Committee met.

There were present: Alderman D. Drury, Chairperson
Alderman F. Eisenberger, Vice-Chairperson
Alderman M. Kiss
Alderman W. McCulloch
Alderman D. Wilson
Alderman B. Charters
Alderman F. D'Amico

Regrets: Mayor R. Morrow, City Business
Alderman H. Merling

Also present: Alderman T. Jackson
Alderman G. Copps
Alderman T. Anderson
V. Abraham, Planning Department
P. Mallard, Planning Department
B. Janssen, Planning Department
J. Hickey-Evans, Planning Department
K. Extance, Planning Department
J. Robinson, Building Department
R. Karl, Traffic Department
E. Chajka, Transportation/Environmental Services
W. Wong, Building Department
A. Zuidema, Law Department
T. Agnello, Secretary

1. **CONSENT AGENDA**

A. **ADOPTION OF THE MINUTES**

The minutes of the meeting held 1992 October 7 were approved as circulated.

B. **SENIOR DIRECTOR, ROADS DEPARTMENT**

Claudette Gardens - Phase 1, Cash-in-lieu of 5% Parkland Dedication

As recommended by the Senior Director, Roads Department in a report dated 1992 October 13. The Committee recommended to Council as follows:

- (a) That the portion of Item 6 of the Planning and Development Committee Report 15-92 adopted by City Council on 1992 August 25, which refers to the approval of the 5% cash figure for "Claudette Gardens - Phase 1", Hamilton be deleted.

- (b) That the City of Hamilton accept the sum of \$16,380 as cash payment in lieu of the 5% land dedication in connection with "Claudette Gardens - Phase 1", Hamilton, this being the cash payment required under Section 50 of the Planning Act.

The lands of Claudette Gardens - Phase 1 are located on the west side of Garth Street, north of Rymal Road West in the Falkirk East Planning Neighbourhood.

C. DIRECTOR OF PUBLIC WORKS

- (a) **International Village Business Improvement Area - Expansion of boundaries**

As recommended by the Director of Public Works in a report dated 1992 October 15, the Committee recommended to Council as follows:

- (i) That the International Village Business Improvement Area boundaries be expanded to include the following:
- (1) both sides of King William Street from Mary to Wellington Streets
 - (2) the east side of Mary Street from King to King William Streets
 - (3) both sides of Ferguson Avenue from King to King William Streets
 - (4) the west side of Wellington Street from King William to Main Street
 - (5) Spring Street between King and Main Streets; and,
- (ii) That the City Clerk's Department be authorized and directed to circularize the proposed area with the notice of intent to amend the designating by-law in accordance with Section 220 of the Municipal Act; and,
- (iii) That the Law Department be authorized and directed to prepare the necessary amending by-law.

- (b) **Commercial Improvement Programme - Paving Alleyways: Westdale Village and International Village Business Improvement Areas**

As recommended by the Director of Public Works in a report dated 1992 October 15, the Committee recommended to Council as follows:

That the 1992 estimate of expenditure under the Commercial Improvement Programme, approved by City Council on 1992 January 28 and June 30, be increased by \$71,606.35 to cover the extra costs associated with paving alleyways within the Westdale Village and International Village B.I.A.'s.

- (c) **North-end east and west P.R.I.D.E. Anti-Recession Programme - Intent to Utilize funds**

As recommended by the Director of Public Works in a report dated 1992 October 19, the Committee recommended to Council as follows:

That the Community Renewal section of the Public Works Department be authorized to notify the Ministry of Municipal Affairs, Community Development Branch, of the City of Hamilton's intention to utilize the P.R.I.D.E. anti-recession funds on the north-end, east and west neighbourhoods.

D. BUILDING COMMISSIONER

- (a) **Commercial facade loan programme: 303-307 King Street East**

As recommended by the Building Commissioner in a report dated 1992 October 9, the Committee recommended to Council as follows:

That a Commercial Facade Loan in the amount of forty five thousand dollars (\$45,000) be approved for Agommen Ltd., and Co-owners, 303-307 King Street East, Hamilton. The interest rate will be 4 1/8 per cent, amortized over 10 years.

- (b) **Demolition Permit- 91 Webster Road**

As recommended by the Building Commissioner in a report dated 1992 October 9, the Committee recommended to Council as follows:

That the Building Commissioner be authorized to issue a demolition permit for 91 Webster Road.

E. COMMISSIONER OF PLANNING AND DEVELOPMENT

- (a) **Proposed Draft of Condominium - south of Stone Church Road East on the east side of Upper Ottawa Street**

As recommended by the Commissioner of Planning and Development in a report dated 1992 October 14, the Committee recommended to Council as follows:

A. That approval be given to application 25CDM-92003, Taba Developments Ltd., owner, to establish a draft plan of condominium located south of Stone Church Road East on the east side of Upper Ottawa Street, subject to the following conditions:

- (a) That this approval apply to the plan prepared by Rady-Pentek & Edward Surveying Ltd., dated 1992 April 21, showing 37 industrial units.
- (b) That Land Severance application H-18-92 and H-19-92 be finalized prior to the release of the Final Plan of Condominium.

B. That the Commissioner of Planning and Development for the Regional Municipality of Hamilton-Wentworth be advised of Council's decision.

- (b) **Application to remove part-lot control from Lots 1 to 20 inclusive, Registered Plan No. 62M-715 "Rymal Square Estates, Phase 2" Webster Road**

As recommended by the Commissioner of Planning and Development in a report dated 1992 October 16, the Committee recommended to Council as follows:

- (i) That the appropriate by-law to remove part-lot control from the lots and blocks of land is the "Rymal Square Estates - Phase 2" plan of subdivision, 26M-715, be enacted by Council.
- (ii) That the following enactment of this By-law, that the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs) be requested to grant approval to the by-law and endorse same on the by-law.

F. INFORMATION REPORT: COMMISSIONER OF PLANNING AND DEVELOPMENT

Site Plan Control Application - DA-92-23: 595 Rymal Road East

The Committee was in receipt of an information report regarding a Site Plan Control Application dated 1992 October 13.

2. BUILDING COMMISSIONER

- (a) **Provincial Governments Policy Paper in apartments in homes**

As recommended by the Building Commissioner in a report dated 1992 October 1, the Committee recommended to Council as follows:

- (a) That Hamilton City Council endorse, in principle, the Association of Municipalities of Ontario (A.M.O.) regarding their response to the Provincial Government's Policy Paper on Apartments in Homes.
- (b) That the Mayor be directed to advise the Provincial Minister of Housing and A.M.O. of the City's position.

- (b) **City of London's position regarding apartments in Homes policy**

The Committee moved to receive the correspondence from the City of London dated 1992 October 1.

3. ALDERMAN T. COOKE

Hill Street Group/Foster Homes

Upon the request of Alderman Cooke, the Committee moved to table this matter to the Planning and Development Committee meeting of 1992 November 18.

4. ALDERMAN G. COPPS**Barrier Free Design Policy**

The Committee suspended the rules of order to hear an unscheduled delegation.

Alderman Copps requested the Committee to recommend to Council a policy of barrier free design.

After brief discussion, the Committee resolved as follows:

- (a) That the City of Hamilton endorse a policy of barrier free design; and,
- (b) That Planning Department staff be directed to prepare a report on this matter for the Planning and Development Committee.

5. ALDERMAN D. AGOSTINO & ALDERMAN F. EISENBERGER: WARD 5**Beach Advisory Committee**

The Committee was in receipt of a recommendation from Alderman Agostino and Alderman Eisenberger dated 1992 October 5.

Upon the request of Alderman Copps and Alderman Eisenberger an amendment was placed on the floor and approved to add subsection "(e)".

Subsequently, the Committee moved to recommend to Council the recommendation from Alderman Agostino and Alderman Eisenberger as amended as follows:

- (a) That the Beach Advisory Committee be renamed, The Beach Neighbourhood Plan Implementation Committee,
- (b) That the report mechanisms for all recommendations still continue to be the Planning and Development Committee then City Council for approval,
- (c) That the make up of this Committee be five Beach Neighbourhood Residents, all Ward 4 and 5 Aldermen and that resources and advisors to the Committee consist of one representative from the Office of Bob MacKenzie, M.P.P., for the area. One representative from the Planning Department, one representative from the Parks and Recreation Department, one representative from the Public Work's Department, one representative from the Engineering Department and one staff representative from the Conservation Authority,
- (d) That the voting members be the five area residents and the four aldermen; and,
- (e) That the Implementation Committee communicate with the Pathways Committee and the Bicycle Route Advisory Committee to receive input.

6. DIRECTOR OF PROPERTY**Hamilton Rail Station Commuter Parking - Go Transit Strachan Street East - Lease Renewal**

As recommended by the Director of Property in a report dated 1992 October 13, the Committee recommended to Council as follows:

- (a) That the City of Hamilton renew the lease with the Toronto Area Transit Operating Authority which expired on July 31, 1992, respecting the use of City owned land located at Strachan Street East and James Street North.

- (b) That the new term be for a period of two (2) years commencing August 1, 1992 and expiring July 31, 1994 at a rental rate of \$10,599.60 per year plus realty taxes paid in advance in monthly instalments of \$883.30 on the first (1st) day of each month and proceeds to be credited to Account Number CH 44104 31106 (Rental Civic Property - Civic Properties Rented).
- (c) That in the event the premises are not required for the Industrial Perimeter Road Project, consideration will be given to a further two (2) year extension upon such terms and conditions as the parties may agree.
- (d) That the lease renewal be in a form satisfactory to the City Solicitor.
- (e) That the Mayor and City Clerk be authorized and directed to execute the renewal agreement.

ZONING APPLICATIONS AND PUBLIC MEETINGS

7. **CI-92-F for a modification in zoning - Nos. 15, 19, 20 and 24 Bosna Court and Nos. 39, 43, 47 and 51 Algonquin Court**

A submission was received from Ivan Malogorski of 39 Algonquin Court, Hamilton, L8T 4T2.

Paul Mallard advised that the Building Department brought to the attention of the Planning Department inconsistencies with the lots in question. The properties were considered through lots and require 6 more setbacks whereas other lots require setbacks which are substantially less. This City initiative is being brought forward by the Planning Department as a housekeeping measure. Of 309 households circulated, 13 replied in favour and 6 opposed.

Mr. Lukicek, a former resident of Algonquin Court, was present to voice his concerns over a pending Ontario Municipal Board hearing regarding a property on Algonquin Court.

The Committee agreed that the ward aldermen and Alderman Kiss meet with Mr. Lukicek to discuss his concerns.

As recommended by the Commissioner of Planning and Development in a report dated 1992 October 9, the Committee recommended to Council as follows:

That approval be given to City Initiative 92-F for a modification to the established "C" (Urban Protected Residential, etc.) District regulations (Blocks "1" and "2") and for a further modification to the "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District regulations (Block "3"), to exempt the subject properties from the "through lot" provisions of Zoning By-law No. 6593, and to establish the property lines abutting Mohawk Road East as the "rear lot lines", for properties located at 15, 19, 20 and 24 Bosna Court and 39, 43, 47 and 51 Algonquin Court, as shown on the attached map marked as Appendix "A", on the following basis:

- (a) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variance as a special requirement:
 - (i) For the purposes of this By-law, the rear lot line shall be the boundary line along Mohawk Road East.

- (b) That the "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District regulations as contained in Section 10 of Zoning By-law No. 6593, applicable to Block "3", as amended by By-law No. 73-268, be further modified to include the following variance as a special requirement:
 - (i) For the purposes of this By-law, the rear lot line shall be the boundary line along Mohawk Road East.
 - (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- 285a, and that the subject lands on Zoning District Map E-59 be notated S- 285a;
 - (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59 for presentation to City Council;
 - (e) That the proposed modifications in zoning are in conformity with the Official Plan for the Hamilton Planning Area.
8. **ZA-92-35, Peter Esposto, owner, for a change in zoning from "C" District regulations for property located at No. 719 Knox Avenue; Parkview West Neighbourhood**

The applicant was present of support of his application.

As recommended by the Director of Planning and Development in a report dated 1992 October 9, the Committee recommended to Council as follows:

That approval be given to Zoning Application 92-35, Peter Esposto, owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "G-3" (Public Parking Lots) District, to legalize the existing parking lot, which is to be used in conjunction with a restaurant fronting on Upper James Street, for the property located at 9 Brantdale Avenue, as shown on the attached map marked as Appendix "B", on the following basis:

- (a) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "G-3" (Public Parking Lots) District;
- (b) That the "G-3" (Public Parking Lots) District regulations as contained in Section 13C of Zoning By-Law No. 6593, be modified to include the following variance as a special requirement:
 - (i) That notwithstanding Section 13C(3) of Zoning By-Law No. 6593, the following requirements shall apply to the subject property:
 - (1) That a landscape planting strip having a minimum width of 1.5 m, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the westerly property line; and,
 - (2) That a landscape planting strip having a minimum width of 3.0 m shall be provided and maintained along the northerly property line, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained within the landscape planting strip, except for any area used for vehicular access;
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1289, and that the subject lands on Zoning District Map W-7 be notated S-1289;

- (d) That the City Solicitor be directed to prepare a By-law to amend zoning By-law No. 6593 and Zoning District Map W-7;
 - (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
 - (f) That the amending By-law not be passed by City Council until a site plan has been approved by the Planning and Development Committee.
9. **ZA-92-32, E & T. Schoenholz, owners, for a modification to the "C" District regulations for property located at No. 719 Knox Avenue; Parkview West Neighbourhood**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1992 October 14.

Paul Mallard advised that a previous application was submitted to allow 8 single family dwellings in February and this was denied. The applicants are now requesting that 4 single family units be erected. It is proposed that the application proceed as a plan of condominium with access to Knox Avenue. Each dwelling area will have 8,000 square feet. The plan meets the City's housing intensification strategy. Holding provisions should apply until the applicant receives site plan approval. Of those circulated, 5 replied in favour and 50 were opposed.

The applicants were present in support of the application.

Mr. Battigiana, whose wife owns 723 Knox Avenue, was present in support of the application. He felt that the development would enhance the property which is now not well maintained.

Grace Learn and Robert Learn of 717 Knox Avenue were present in opposition to the application. They are concerned with the narrow access, snow and garbage removal and absence of a walkway.

Mrs. McGregor of 733 Knox Avenue was concerned with fire access. She wants privacy in her rear yard.

Christina Merzell of 710 Knox Avenue was opposed because of potential increases in traffic. She was concerned the properties would not be maintained.

Tom Schoenholz stated that adequate parking will be provided for the development. Snow removal and garbage removal will be consistent with other residents in the area. He advised that the property was offered to the City as parkland but that no money is available.

Alderman Wilson advised that the lands were previously part of a hydro corridor which was never developed. The City has no money to purchase the land for a park. He stated that a negative tone was set at a public meeting in May. The access is 6.6 metres whereas 12 metres are required. The residents oppose it. If approved, the existing building should be removed, there should be soil remediation (if required by the Ministry of the Environment) and protection should be afforded for the neighbour's gas metre.

Alderman Copps was concerned that the project is proceeding by way of condominium plan because the City is unable to assume the laneway as explained by Mr. Zuidema.

Alderman Charters did not feel the laneway is unmanageable. The owners have come up with a reasonable compromise.

Alderman D'Amico questioned if money is available for parkland.

Alderman Eisenberger felt that in the long term, the development will be beneficial. The proposal has merit and can work. He was not convinced that there will be negative impacts. The residents appear to want no development at all in this block.

After brief discussion the Committee tabled this matter with instructions:

- (a) that the Parks and Recreation Committee be requested to investigate the feasibility of purchasing the land as parkland and,
- (b) that it be brought forth to the Planning and Development Committee once again at its meeting of November 4.

10. **Revised City Initiative 91-E, for a modification to the "A" District Regulations, for Mohawk Sports Park located between Mohawk Road East and Limeridge Road East and east of Upper Kenilworth Avenue; Upper King's Forest Neighbourhood**

A submission was received from Vincenzo Callari, 20 Corinthian Drive, Hamilton, L8W 1R7.

Alderman Charters preferred that the development proceed as per recommendations from the Traffic Department. Alderman Jackson concurred.

Joanne Hickey-Evans explained that the overflow area will not be paved and there will still be a shortfall of 67 parking spaces.

After brief discussion, the recommendation of the Commissioner of Planning and Development dated 1992 October 14 was approved as amended and recommended to Council as follows:

- A. That approval be given to amended City Initiative 91-E, for a modification to the "A" (Conservation, Open Space, Park and Recreation) District regulations, to permit the required parking spaces for the proposed bleachers for the track and field site to be provided and maintained on natural grass, for the lands between Mohawk and Limeridge Roads East, east of Upper Kenilworth Avenue (Mohawk Sports Park), as shown on the attached map marked as Appendix "C", on the following basis:
 - (a) That the "A" (Conservation, Open Space, Park and Recreation) District regulations, as contained in Section 7 of Zoning By-law No. 6593, be modified to include the following variance as a special requirement:
 - (i) That Sections 18A (12) and (30) of Zoning By-law No. 6593 shall not apply to 567 required parking spaces within Mohawk Sports Park.
 - (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1290, and that the subject lands on Zoning District Maps E-69 and E-69A be notated S-1290;
 - (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-69 and E-69A for presentation to City Council;
 - (d) That the proposed modification to the Zoning By-law is in conformity with the Official Plan for the Hamilton Planning Area.
- B. That the City of Hamilton dedicate sufficient land to the Region for a daylight triangle and road widening purposes on Mohawk Road and Upper Kenilworth Avenue to the satisfaction of the Roads Department.

11. Amended Zoning Application 92-17, Mr. Chin Shee Shing and Mrs. Chin Nor Fai, owners, for a modification to the "M-13" District regulations, for property located at Nos. 1123, 1131 and 1135 Stone Church Road East; Trenholm Neighbourhood (previously tabled - not a public meeting)

12. OTHER BUSINESS

None

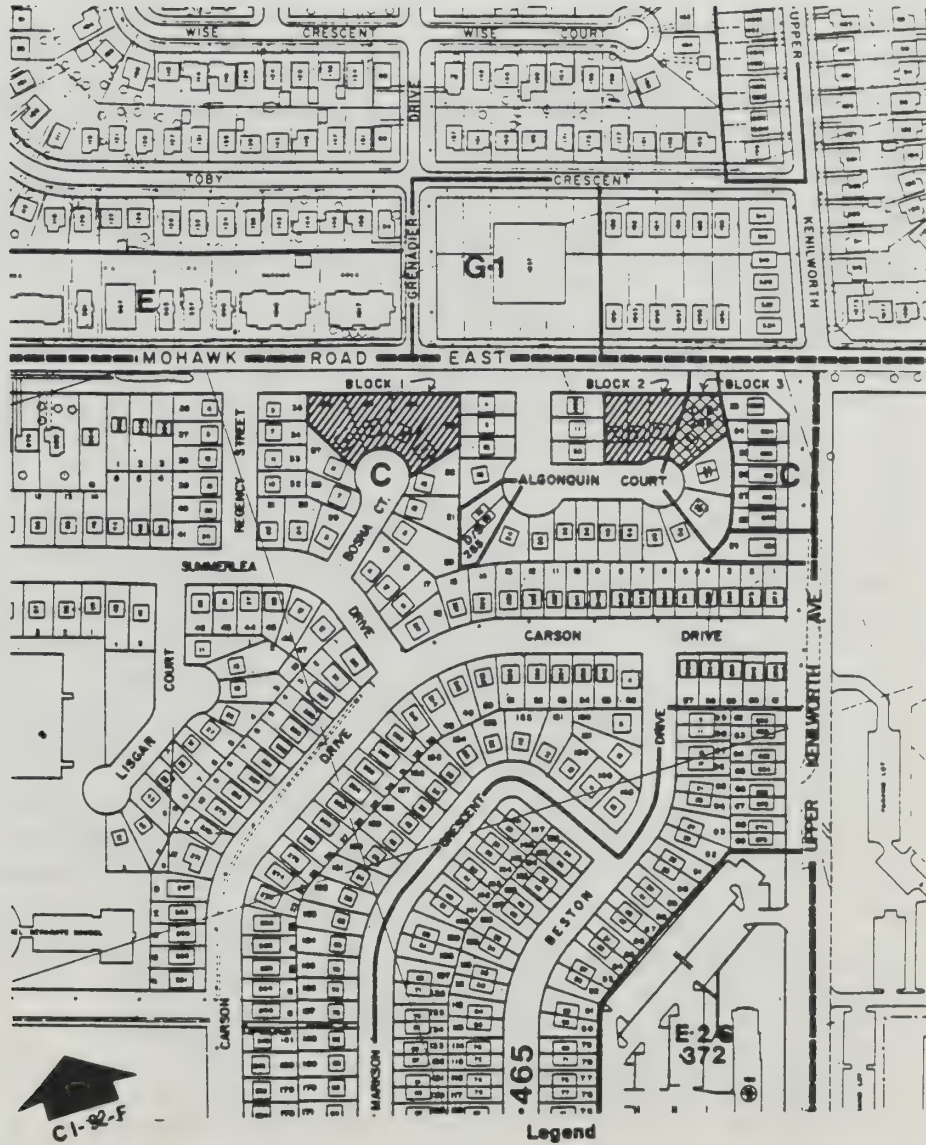
13. ADJOURNMENT



Taken as read and approved,

ALDERMAN DON DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE

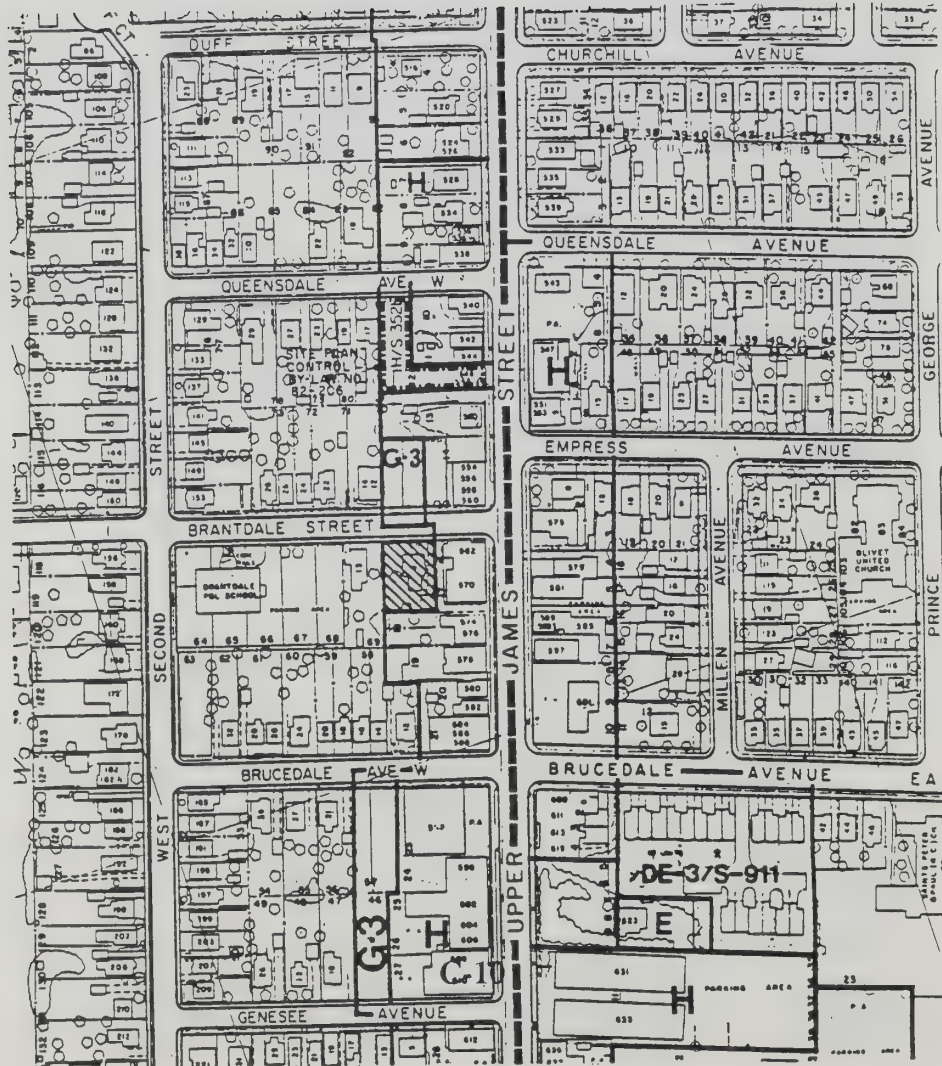
Tina Agnello
Secretary
1992 October 21

Appendix "A" referred to in Section 7
of the minutes of the Planning
and Development Committee meeting held
1992 October 21



- BLOCKS 1 and 2**  Proposed modification to the "C" (Urban Protected Residential, etc.) District regulations.
- BLOCK 3**  Proposed further modification to the "D" (Urban Protected Residential- One and Two Family Dwellings, Townhouses, etc.) District regulations.

Appendix "B" referred to in Section 8
of the minutes of the Planning
and Development Committee meeting held
1992 October 21



Legend

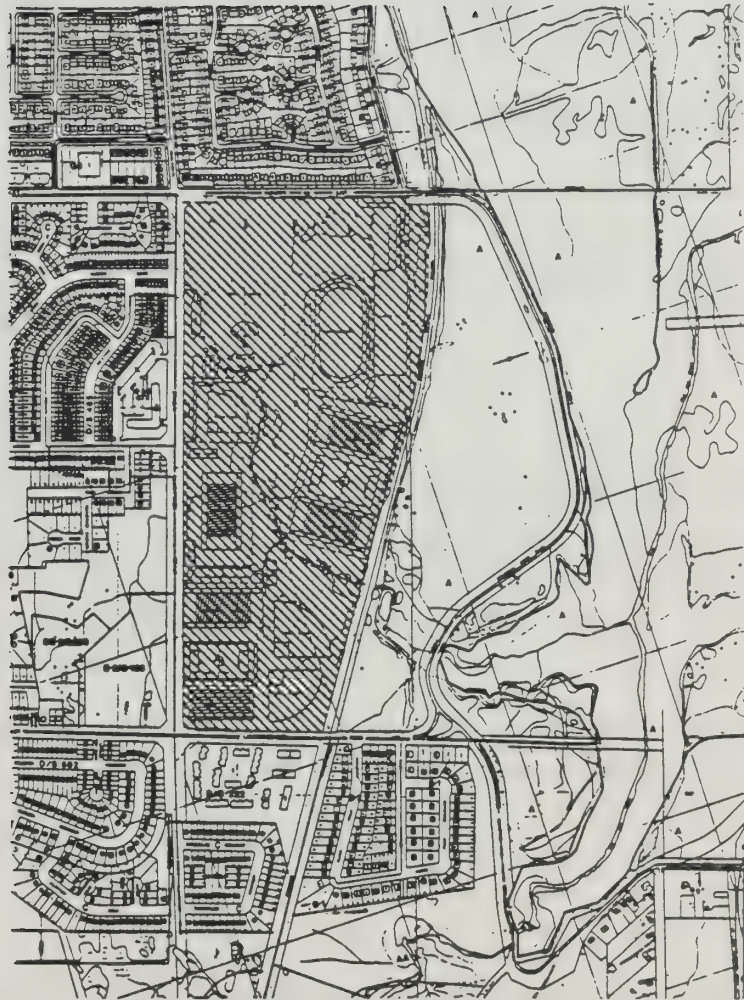


Site of the Application



ZA-02-36

Appendix "C" referred to in Section 10A
of the minutes of the Planning
and Development Committee meeting held
1992 October 21



Legend



Site of the Application



C1-01-E

Ba)

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

OCT 20 1992

CITY CLERKS

DATE: 1992 October 19

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

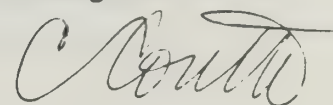
FROM: Charlene J. Coutts, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: Designation Recommendation -
Dominion Public Building (new Consolidated Courthouse)
10 John Street South

RECOMMENDATION:

- a) That approval be given to the "Intent to Designate" the Dominion Public Building (future Consolidated Courthouse) at 10 John Street South as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation attached herewith and marked as Appendix "A"; and,
- b) That the City Solicitor be authorized and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:



BACKGROUND:

The Local Architectural Conservation Advisory Committee gave preliminary approval of the "Intent to Designate" the Dominion Public Building (former Main Post Office) at its meeting held 1988 September 20; however, it was felt at this time that the designation recommendation should be tabled until Canada Post Corporation had definite plans for the sale of the building.

Gerald Doyle, Project Manager, Ministry of Government Services, was advised in a letter sent 1992 November 18, that the Local Architectural Conservation Advisory Committee intended to recommend the building for designation under the Ontario Heritage Act. It was recognized that, in the case of a building owned by the Province, the regulations of the Ontario Heritage Act do not currently apply; however, designation under this Act is the only

means by which a municipality can formally establish a building's architectural and historical significance. There has already been a precedent set in this regard with the Unified Family Court building (former Hamilton Public Library) which was designated during the process of conversion in 1987.

The Ministry of Government Services is supporting the designation recommendation at this time.

CC/ss

Attached

cc: Victor Abraham, Director of Local Planning
Nina Chapple, Planning Department
Patrice Noe Johnson, City Solicitor

REASONS FOR DESIGNATION

FORMER DOMINION PUBLIC BUILDING, 10 John Street South (HAMILTON COURTHOUSE)

Context

The Dominion Public Building was erected in 1935-6 on John Street South between King and Main Streets to serve as Hamilton's main Post Office and federal office building. Located on a major site in the downtown core, the front facade of this monumental six-storey edifice faces John Street; its south facade is an integral part of the Gore Park streetscape and its north facade faces the grounds of the present Courthouse. As such, 10 John Street is recognized as an important city landmark.

Historical Significance

Erected on the site of the earlier 1886 Post Office, the new Dominion Public Building was built to accommodate not only the post office but also customs and excise, national health, immigration and various other federal departments, all brought together for the first time in Hamilton under one roof.

The main Post Office was located in this building for over fifty years, closing in 1991, when the Province of Ontario purchased the building for conversion to a new court facility, consolidating the Provincial and General Division courts.

The John Street building belongs to the group of large office blocks built by the Federal Government across the country during the 1920s and '30s; the Hamilton structure was erected as part of a Depression works program introduced by the government in 1934 under the Public Works Construction Act.

Architectural Significance

Hamilton's Dominion Public Building has been ranked as one of the three best examples of the large federal public buildings which were erected across Canada between 1934 and 1939.

In accordance with the government's current policy, a local architect rather than the Public Works Architect was commissioned to design the building. The Hamilton firm of Hutton and Souter, well known for other major works such as the Cathedral of Christ the King, provided the plans.

In terms of the architectural style, Hutton and Souter's design can be described as "modern classical", used also in the five other federal buildings erected at this time. Classical inspiration is visible in the use of pilasters, engaged columns, symmetry, the rectangular block form, and the general horizontal divisions of base, shaft and cornice.

These traditional elements, however, are given contemporary expression, typified in the use of smooth, crisp plans; bold, simply masses; and contrasting linear-patterned ornamentation which accentuates the main architectural features of the building.

This richness of decorative detailing is found throughout the building; on the exterior in the stone ornamentation at the cornice and belt-course the crowing narrative relief of the frontispiece, in the coat-of-arms over the front door, as well as the bronzework of the window and door panels; and on the interior by the use of marble wainscoting and flooring, as well as bronze grillwork, mosaics and painted ceiling.

The Hamilton building is considered to have the finest interior of any federal post office building erected from the mid-to-late 1930s. The main entrance, postal and elevator lobby areas and the main stairwell demonstrate the extensive use of costly materials and quality craftsmanship.

Designated Features

Important to the preservation of the Dominion Public Building are the original features of the east (main, north, and south facades, including the masonry work, windows, doorways and all ornamental decoration; and the interior spaces of the entrance, postal and elevator lobby areas and main stairwell, including all original decorative elements such as the marble cladding and flooring, bronze decorative work on doors and windows, painted ceiling, light fixtures and mosaic.

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

OCT 20 1992

CITY CLERKS

DATE: 1992 October 20

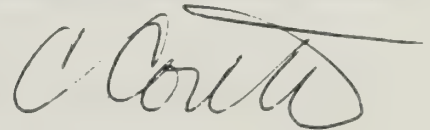
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene J. Coutts, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: Heritage Easement Agreement -
235 Bowman Street

RECOMMENDATION:

- a) That approval be given by By-law, for the City to enter into a Heritage Easement Agreement with the Hamilton Hebrew Academy under Part IV, Section 37 of the Ontario Heritage Act; and,
- b) That the City Solicitor be authorized and directed to take appropriate action to have this Heritage Easement implemented, pursuant to the provisions of the Ontario Heritage Act, 1983.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Hamilton Hebrew Academy has applied for a \$50,000 loan from the City's Community Heritage Fund. A pre-requisite for any loan of \$15,000 or more is that the City enter into a Heritage Easement Agreement with the property owner.

A Heritage Easement Agreement is a legal document, registered on title, which insures that the building will not be demolished and that any changes to specified heritage features be approved by the public body with which the agreement is made (in this case, the Corporation of the City of Hamilton).

CC/ss

cc: Victor Abraham, Director of Local Planning
Nina Chapple, Planning Department
John Robinson, Building Department

CITY OF HAMILTON
- RECOMMENDATION -

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OCT 28 1992

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CITY CLERKS

DATE: 1992 October 27

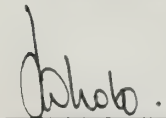
REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo,
Director of Public Works

SUBJECT: Phase IV of the Downtown Action Plan;
Public Service Announcement Competition

RECOMMENDATION:

That the City of Hamilton's Public Works Department, Community Renewal Section in conjunction with the Keep Hamilton Clean Committee hold a 5th Annual Public Service Announcement Competition through Mohawk College Media Studies Program and CHCH-TV at a total estimated cost of \$3,000.



Mr. D. Lobo,
Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Funds are available in Phase IV of the Downtown Action Plan Account Number CF 5698 428803006.

BACKGROUND:

On 1988 November 29 City Council adopted Section 1 of the 23rd Report of the Planning and Development Committee which approved recommendations one through four and six of the City of Hamilton Sanitation Study. Pursuant to this a Public Service Announcement (P.S.A.) Competition was established in 1989 in cooperation with Mohawk College and CHCH-TV. The P.S.A. has been very successful over the past four years and has assisted the City of Hamilton in developing community awareness amongst its residents particularly

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the downtown business operators. The students of the Media Studies Program at Mohawk College are ready to commence preparing their submissions for the P.S.A. for 1993. Selection of the winning entries is carried out by the Keep Hamilton Clean Committee, Mohawk College, CHCH-TV and the Public Works Department. Awards will be made in approximately April of 1993 immediately prior to the Pitch-In Week at the beginning of May.

JMcN:bk

cc: Alderman D. Wilson, Ward Four

Mr. H. Reinhold, Superintendent
Public Works Department

Mr. K. Wallace, Media Studies
Mohawk College of Applied Arts and Technology

Mr. B. Janes
CHCH-TV

CITY OF HAMILTON
- RECOMMENDATION -

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OCT 27 1992

CITY CLERKS

DATE: October 26, 1992.

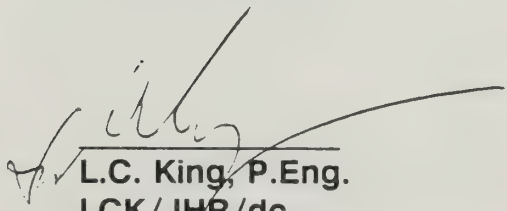
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Commercial Facade Loan Programme
533-537 Concession Street, Hamilton (92.2.4.2.1.A.)

RECOMMENDATION:

That a Commercial Facade Loan in the amount of twenty eight thousand, one hundred and fourteen dollars (\$28,114.) be approved for Garth H. Turpin and Sharon Turpin, 533-537 Concession Street, Hamilton. The interest rate will be 4 1/8 per cent, amortized over 10 years.


L.C. King, P.Eng.
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The owner of 533-537 Concession Street has applied for assistance under the City of Hamilton's Commercial Facade Loan Programme. As per the terms of the Programme, the Building Department has inspected the property under the Property Standards By-law 74-74, and the necessary repairs have been included in the cost of repairs.

Tina Agnello, Secretary
Planning and Development Committee

- 2 -

October 26, 1992

The Concession Street Business Improvement Area (B.I.A.) has reviewed the plans and approved the work which is to be undertaken by the owner.

The Building Department therefore recommends the approval of a Commercial Facade Loan to Garth Turpin and Sharon Turpin for improvements to 533-537 Concession Street in the amount of \$28,114. The loan will be amortized over a 10 year period at 4 1/8 per cent interest. The monthly payments will be \$286.29 and will be secured by a Promissory Note and a lien registered on title.

c.c. R. Camani, Treasury Department

CITY OF HAMILTON
- RECOMMENDATION -

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OCT 27 1992

CITY CLERKS

DATE: October 26, 1992.

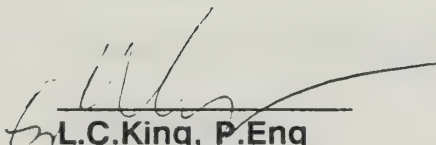
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Second Level Lodging Home Rehabilitation
Programme
106 Catharine Street South (92.2.4.2.1.A)

RECOMMENDATION:

That a rehabilitation loan in the amount of three thousand, nine hundred and fifty nine dollars (\$3,959.) be approved for Leonard Renford Dunbar and Veronica Dunbar, owner of a Second Level Lodging Home at 106 Catharine Street South. The loan is amortized over a ten-year period at three percent interest and secured by a Lien on Title.


L.C. King, P.Eng
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

As the Committee is aware, the City of Hamilton received a capital grant in the amount of \$325,000. from the Ministry of Health for the implementation of a loan programme for the rehabilitation of Second Level Lodging Homes. The homes

must accommodate ex-psychiatric patients. The City's Property Standards By-law 74-74 provides the basis for eligible items.

The home presently provides care for fifteen (15) out-patients. The loan is secured by a Lien on Title and all monies collected on repayments are placed in a recyclable account to permit the continuance of the Programme.

The owner has also agreed to enter into an Operating Agreement with the Canadian Mental Health Association to deliver Social Programmes to residents of the home.

CITY OF HAMILTON

- RECOMMENDATION -

RECEIVED

DATE: 1992 October 23

OCT 26 1992

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

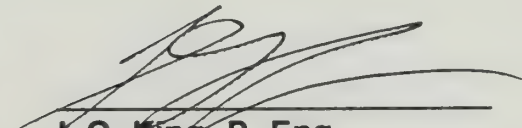
CITY CLERKS

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1098 UPPER JAMES STREET
(92.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1098 UPPER JAMES STREET.



L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C" (Residential)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Mountain Freeway

BRIEF DESCRIPTION: 1½ storey brick, stucco and aluminium siding house

The residence is in good condition and is locked up from trespass. It is not on any historical list. The lot size is 50' x 115'.

The owner of the property as per the demolition permit is:

Regional Municipal of Hamilton-Wentworth

Dec 11)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 October 23

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1106 UPPER JAMES STREET
(92.1.1.A)

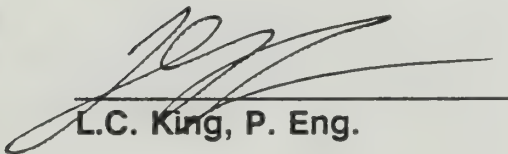
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OCT 26 1992

CITY CLERKS

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1106 UPPER JAMES STREET.



L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C" (Residential) and "AA" (Agricultural)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Mountain Freeway

BRIEF DESCRIPTION: 1½ storey brick and aluminium siding house

The residence is in good condition and is vacant and secured from trespass. It is not on any historical list. The lot size is 53' x 583'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth

D c) iii

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 October 23

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1147 UPPER JAMES STREET
(92.1.1.A)

RECEIVED

OCT 26 1992

CITY CLERKS

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1147 UPPER JAMES STREET.



L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C" (Residential) and "HH" (Commercial)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Mountain Freeway

BRIEF DESCRIPTION: 1½ storey brick and wood frame house

The residence is in good condition and is vacant and secured from trespass. It is not on any historical list. The lot size is 50' x 183'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth

CITY OF HAMILTON
- RECOMMENDATION -

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OCT 26 1992

CITY CLERKS

DATE: 1992 October 23

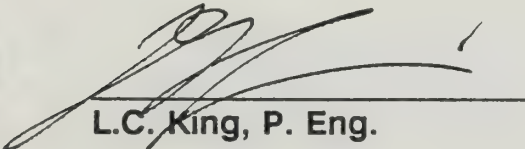
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
106 HILLYARD STREET - Tag Number 87849
(92.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 106 HILLYARD STREET.



L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "K/S-727 (Industrial)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Vacant Land

BRIEF DESCRIPTION: 2½ storey stucco wood frame house

The existing house is in poor condition and the owner wishes to demolish it. It is not on any historical list. The lot size is 50' x 132'.

The owner of the property as per the demolition permit is:

Mr. Kulwant Kihra
102 Hillyard Street
Hamilton, Ontario

Dc/v

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 October 23

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
175 NIAGARA STREET - Tag Number 87860
(92.1.1.A)

RECEIVED

OCT 26 1992

CITY CLERKS

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 175 NIAGARA STREET.



L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "K" (Heavy Industrial)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Parking Lot

BRIEF DESCRIPTION: 2½ storey wood frame house with stucco siding

House is in poor condition and is open to trespass. It is not on any historical list.
The lot size is 22' x 132'.

The owner of the property as per the demolition permit is:

Ms. Anna Vuckovecki
66 Highland Park Drive
Dundas, Ontario

Ea)

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

OCT 28 1992

DATE: 1992 October 27
(25CDM-89003)

CITY CLERKS


REPORT TO: Tina Agnello
Secretary of the Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

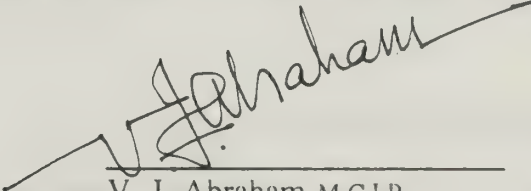
SUBJECT: Proposed Draft Plan of Condominium.

RECOMMENDATION:

- (A) That approval be given to application 25CDM-89003, 591613 Ontario Inc., c/o K. VanDerSchaaf, owner, to establish a draft plan of Condominium located at the north side of York Boulevard between Crooks Street and Magill Street, subject to the following conditions:
- (1) That this approval apply to the plan prepared by MacKay, MacKay and Peters Limited, dated December 20, 1988.
 - (2) That the owner satisfy all financial requirements of the Regional Municipality of Hamilton-Wentworth.
- (B) That the Commissioner of Planning & Development for the Regional Municipality of Hamilton-Wentworth be advised of Council's decision.



J. D. Thoms, M.C.I.P.
Commissioner
Planning & Development Department



V. J. Abraham M.C.I.P.
Director
Local Planning Branch

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner: 591613 Ontario Inc., Dundas Ontario

Surveyor: MacKay, MacKay & Peters Limited, Hamilton, Ontario

Location:

The lands comprising 1.0 ha, are located on the north side of York Boulevard, between Crooks Street and Magill Street, in the Strathcona Neighbourhood, City of Hamilton.

Proposal:

The owner proposes to establish a building with 26 apartment units on 3 floors and a commercial unit on the ground floor as a condominium project.

Existing Development Controls:

Hamilton-Wentworth Official Plan - the lands are identified as "Urban Policy Area - Existing Development". The proposal does not conflict.

City of Hamilton Official Plan - the lands are designated "Commercial". The proposal appears to comply (see Neighbourhood Plan).

Neighbourhood Plan - the lands are designated "Commercial and Apartments". The proposal appears to comply.

Zoning - the lands are zoned "E" (Multiple Dwellings) District. As the development has been constructed and occupied for some time, it is assumed that the building complies with the zoning by-law.

Comments from Circulation:

No agency has filed an objection toward the proposal and the plan is consistent with the approved site plan.

The former Regional Department of Engineering has submitted the following comments and recommendations:

"(1) *The proposed development can be serviced to the municipal sewers and watermain on the adjoining York Boulevard.*

- (2) *For your information, the plan has been revised slightly, the lands shaded orange on the attached plan are subject to site plan control application DA88-138 as a parking area and the applicant may wish to adjust this application.*
- (3) *The owner must meet all financial requirements of the Region.*
- (4) *The submitted plan, as prepared by MacKay, MacKay and Peters Limited, and dated December 20, 1988, is satisfactory to the Department of Engineering subject to the above noted comments and recommendations."*

Comment:

- (1) The proposal can be supported on the basis that the proposed draft plan complies with the approved site plan and that the building has been constructed and is occupied.
- (2) As the applicant had indicated his intention to establish the building as a condominium project prior to commencement of construction, it is not considered to be a conversion under the Rental Housing Act.

CMD/l1
Reports/Dir - City
CDM89033



KEY PLAN
N.T.S.

Location Plan For

DRAFT PLAN OF CONDOMINIUM
OF

PART OF LOTS 1, 2, & 3, REGISTERED PLAN No. 284

AND

PART OF LOTS 4, 5, & 6, REGISTERED PLAN No. 251

IN THE

CITY OF HAMILTON

Regional Municipality of Hamilton Wentworth
Planning and Development Department

Legend



PROPOSED CONDOMINIUM

North

Scale
N. T. S.

Reference File No.
25CDM-89003

Date
FEB. 1, 1989

Drawing No.

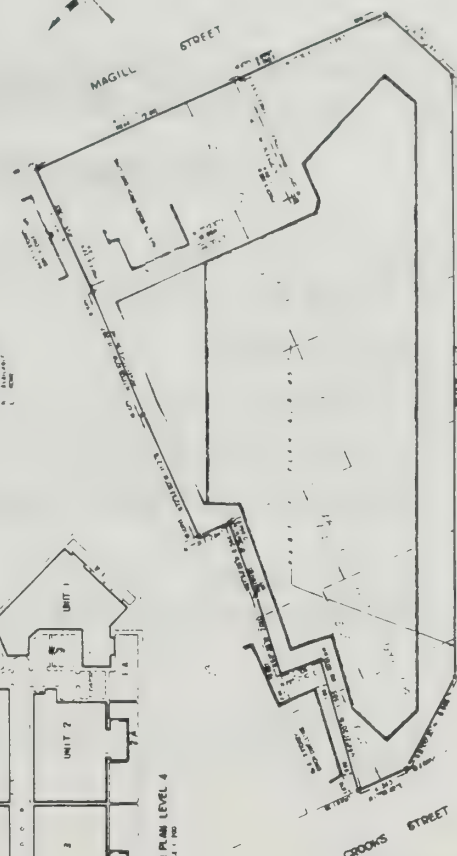
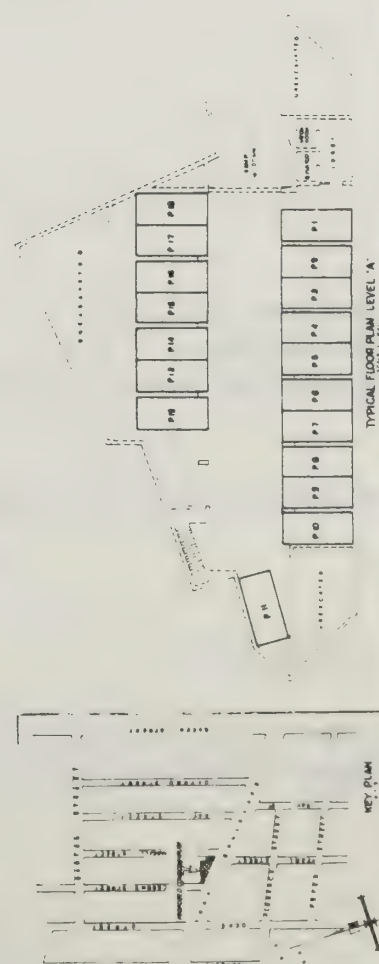
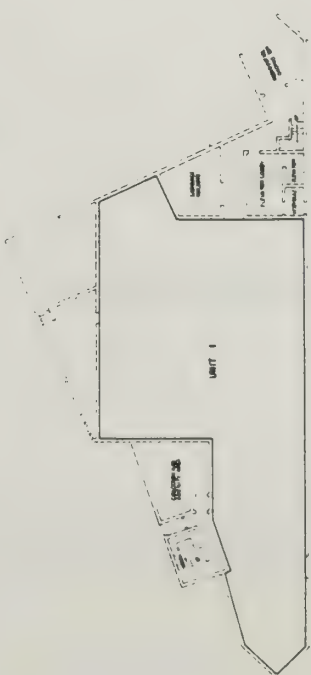
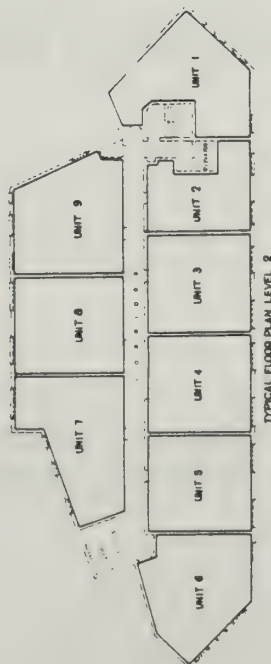
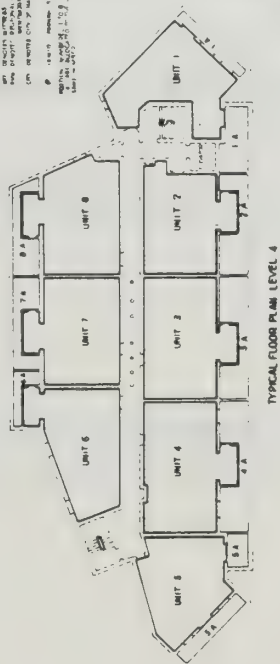
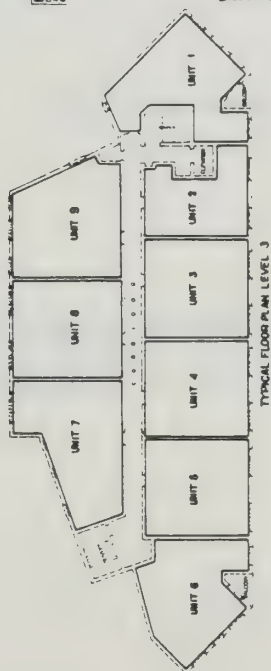
DRAFT PLAN OF CONDOMINIUM
OF
PHASE OF LOTS 1 2 & 3 REGISTEED PLAN NO 204
AND
PHASE OF LOTS 4 5 & 6 REGISTEED PLAN NO 251

BRUNNEN'S CEMENTS
 In your closet, next to the axes and saws of the wood to be
 cut, should be Brunnen's Cement and there will be no need to
 "cut round" lumber for the job. Brunnen's Cement is the one
 cement that will hold anything together.

BRUNNEN'S CEMENT CO.
 100 N. 1st St. St. Louis, Mo.

JAMES Q'S CERTIFICATE

DAVID L. MCCOY, JR., President
DAVID L. MCCOY, JR. & SONS, INC.
10000 W. 10th Ave., Suite 100
Denver, CO 80231



CITY OF HAMILTON

- RECOMMENDATION

RECEIVED

OCT 27 1992

DATE: 1992 October 22
P5-4-3-9B

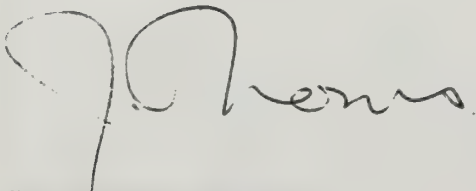
REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

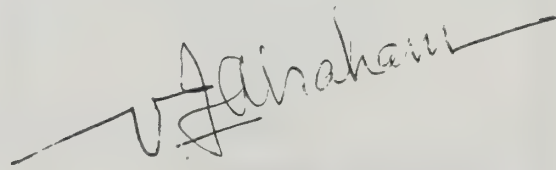
SUBJECT: Updated membership - Central Area Plan Implementation
Committee

RECOMMENDATION:

That the current list of members of the Central Area Plan Implementation Committee, attached as APPENDIX "A", be appointed for the term of Council to expire in November 1994.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

In April of 1992, Charles Forsyth, Chairman of the Central Area Plan Implementation Committee, resigned as chairperson and as a citizen member of CAPIC. In the interim, Russell Elman, Vice-

Chairperson, assumed the Chairperson's responsibilities. At its meeting of September 11, 1992, the members of CAPIC elected Russell Elman Chairperson and Gil Simmons as Vice-Chairperson.

In addition to the above, Helen Nemeth has resigned as the representative for Beasley Neighbourhood. The Beasley Neighbourhood Association was approached and have appointed James C. Drake as their representative.

The members of this sub-committee should be confirmed and appointed for the term of Council.

APPENDIX "A"

CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE MEMBERSHIP 1992 - 1994

Alderman Wm. McCulloch
Russell Elman
Gil Simmons
Robert Brough
Gloria DeSantis
James C. Drake
John Eyles
Ronald Faichney
Maggie Fischbuch
Greg Gouthreau
Gerry Kennedy
Arthur Lomax
Carol Mason
John Nolan
Kay Nolan
Mary Pocius
Bruce Rankin

Alderman, Ward 2
Chairperson
Vice-Chairperson
LACAC
Social Planning and Research Council
Beasley Neighbourhood Association
McMaster University
Senior Citizens Council - City of Hamilton
Citizen Member
Downtown B.I.A.
Metropolitan Hamilton Real Estate Board
Hamilton Automobile Club
Hamilton School Board
Citizen Member
Hamilton-Wentworth Separate School Board
International Village B.I.A.
Hamilton Society of Architects

3.

CITY OF HAMILTON

- INFORMATION -

10 cc
RECEIVED

OCT 29 1992

CITY CLERKS

DATE: 1992 October 29

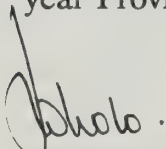
REPORT TO: Ms. T. Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo,
Director of Public Works

SUBJECT: Public Works Department
Community Renewal Section
1993 - 2002 Capital Budget

BACKGROUND:

The following is a list of Capital Budgets being submitted by the Public Works Department - Community Renewal Section to the Management Team for consideration in the ten (10) year Provisional Capital Budget (1993-2002).



D. Lobo
Director of Public Works

JMcN:bk
Attchs.

cc: Mr. N. Adhya, Manager of Budgets
Treasury Department

The Corporation of the City of Hamilton

PROJECT NUMBER _____
(Treasury to complete)

1993-2002 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: **Public Works Department - Community Renewal**
2. PROJECT NAME: **Blakeley/St. Clair P.R.I.D.E. Programme**
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:

Improvements to parks, recreational, hard and soft services as identified as well as commercial, residential and industrial needs. Blakeley/St. Clair are located south/central in Hamilton in Ward Three in between Wentworth, Gage, Main Streets and the base of the Escarpment.

4. DEPARTMENTAL PRIORITY ORDER: 6
5. NATURE OF PROJECT:
 - (a) MAINTENANCE OF AN EXISTING PROJECT
 - (b) HARD SERVICE X
 - (c) SOFT SERVICE X
6. PROJECT JUSTIFICATION:
 - (a) STRATEGIC DIRECTION
(Image of the City, Quality of Life, Transportation) X
 - (b) HEALTH/SAFETY/ENVIRONMENT -
 - (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT
 - (d) NEEDS ANALYSIS (Demand, Equitable, Cost / Benefit)
 - (e) ECONOMIC DEVELOPMENT
 - (f) PRODUCE JOBS IN THE PRIVATE SECTOR X
 - (g) MAINTAIN EXISTING SERVICE
(Roads, Buildings, Other basic infrastructure) X
 - (h) REDUCE ONGOING COST
(Staffing and/or resource requirements)
7. FEASIBILITY STUDY:
 - (a) DATE (MONTH-YEAR):
 - (b) GROSS COST \$
8. (a) PROJECT STARTING DATE (MONTH-YEAR)
(Year of O.M.B. approval): Jan 1999
- (b) PROJECT FINISHING DATE (MONTH-YEAR): Dec 2000
9. (a) GROSS COST OF PROJECT
IN YEAR-OF-START DOLLARS: \$ 800,000.
- (b) LESS PROVINCIAL SUBSIDIES: \$ 400,000.
- (c) LESS OTHER RECEIPTS (Specify): \$
- (d) NET CITY 'S COST: \$ 400,000.
10. (a) YEAR OF EXPENDITURE:
 - 1993 \$
 - 1994 \$
 - 1995 \$
 - 1996 \$
 - 1997 \$
 - 1998 \$
 - 1999 \$ 100,000.
 - 2000 \$ 300,000.
 - 2001 \$
 - 2002 \$

11. ESTIMATE PREPARED BY:
 (a) PROPERTY DEPARTMENT - ARCHITECT DIVISION
 No x Yes
 (b) If no, the basis of assumptions Based on maximum Provincial contribution.
12. ADDITIONAL JOBS TO BE CREATED BY PROJECT:
 (a) WITHIN THE CITY DEPARTMENTS NIL
 (b) IN THE COMMUNITY 16.0
13. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:
 (a) FIRST YEAR - DATE (MONTH-YEAR) March 2001
 (b) GROSS COST (All Inclusive) \$ 34,000.
 (c) LESS RECOVERY/REVENUE \$
 (d) NET CITY'S COST \$ 34,000.
 (e) FOLLOWING YEAR - DATE (MONTH-YEAR) March 2002
 (f) GROSS COST (All Inclusive) \$ 35,000.
 (g) LESS RECOVERY/REVENUE \$
 (h) NET CITY'S COST \$ 35,000.
14. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:
Further deterioration of existing hard and soft services. Loss of Provincial Grant of \$400,000.
15. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?
 No Yes x ; If yes,
 (a) PROJECT NO. (1997-2001 Future Capital Budget) 157.0
 (b) AT CITY'S COST OF \$ 800,000.
 (c) SCHEDULED TO START IN THE YEAR 1999


 Signature of Department Head/
 Local Board Manager

92/10/02
 Date

 Signature of C.A.O

 Date

16. FUNDING (Treasury Department To Complete):
 (a) NATURE OF PROPOSED FINANCING: _____
 (b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:
 Yes No
 (c) IF DEBENTURE FINANCING:
 (i) ANNUAL DEBENTURE FINANCING COST: \$ _____
 (ii) TOTAL CARRYING COST OF RETIRING DEBT: \$ _____

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architect Division, Property Department.

The Corporation of the City of Hamilton

PROJECT NUMBER _____

(Treasury to complete)

1993-2002 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: **Public Works Department - Community Renewal**
2. PROJECT NAME: **Hughson Street Redevelopment - Downtown Action Plan**
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:

Upon completion of the GO extension to Hamilton, Hughson Street will play a major role as a pedestrian link to the Downtown Action Plan Redevelopment Area. Special treatment to enhance the pedestrian appeal such as streetscaping, pedestrian weather protection, etc. are needed from Hunter to King Streets as per the Central Business District Study draft Guidelines prepared through the Planning and Development Committee.

4. DEPARTMENTAL PRIORITY ORDER: _____ 8 _____

5. NATURE OF PROJECT:

- (a) MAINTENANCE OF AN EXISTING PROJECT _____
- (b) HARD SERVICE _____ X _____
- (c) SOFT SERVICE _____ X _____

6. PROJECT JUSTIFICATION:

- (a) STRATEGIC DIRECTION
(Image of the City, Quality of Life, Transportation) _____ X _____
- (b) HEALTH/SAFETY/ENVIRONMENT - _____
- (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT _____
- (d) NEEDS ANALYSIS (Demand, Equitable, Cost / Benefit) _____
- (e) ECONOMIC DEVELOPMENT _____ X _____
- (f) PRODUCE JOBS IN THE PRIVATE SECTOR _____ X _____
- (g) MAINTAIN EXISTING SERVICE
(Roads, Buildings, Other basic infrastructure) _____
- (h) REDUCE ONGOING COST
(Staffing and/or resource requirements) _____

7. FEASIBILITY STUDY:

- (a) DATE (MONTH-YEAR): _____
- (b) GROSS COST \$ _____

8. (a) PROJECT STARTING DATE (MONTH-YEAR)

(Year of O.M.B. approval):

Jan 1999

- (b) PROJECT FINISHING DATE (MONTH-YEAR):

Dec 2001

9. (a) GROSS COST OF PROJECT

IN YEAR-OF-START DOLLARS:

\$ 700,000.

- (b) LESS PROVINCIAL SUBSIDIES:

\$ _____

- (c) LESS OTHER RECEIPTS (Specify): _____

\$ _____

- (d) NET CITY'S COST:

\$ 700,000.

10. (a) YEAR OF EXPENDITURE:

- 1993 \$ _____

- 1998 \$ _____

- 1994 \$ _____

- 1999 \$ 200,000.

- 1995 \$ _____

- 2000 \$ 200,000.

- 1996 \$ _____

- 2001 \$ 300,000.

- 1997 \$ _____

- 2002 \$ _____

11. ESTIMATE PREPARED BY:
(a) PROPERTY DEPARTMENT - ARCHITECT DIVISION
No x Yes ___
(b) If no, the basis of assumptions Based on previous capital projects of similar scope including inflationary measures.
12. ADDITIONAL JOBS TO BE CREATED BY PROJECT:
(a) WITHIN THE CITY DEPARTMENTS NIL
(b) IN THE COMMUNITY 14.0
13. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:
(a) FIRST YEAR - DATE (MONTH-YEAR) _____
(b) GROSS COST (All Inclusive) \$ _____
(c) LESS RECOVERY/REVENUE \$ _____
(d) NET CITY'S COST \$ _____
(e) FOLLOWING YEAR - DATE (MONTH-YEAR) March 1997
(f) GROSS COST (All Inclusive) \$ _____
(g) LESS RECOVERY/REVENUE \$ _____
(h) NET CITY'S COST \$ _____
14. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:
No pedestrian link to GO Station at Hunter from Downtown. Loss of commercial potential Downtown particularly east of James Street.
15. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?
No ___ Yes x; If yes,
(a) PROJECT NO. (1997-2001 Future Capital Budget) 158.0
(b) AT CITY'S COST OF \$ 600,000.
(c) SCHEDULED TO START IN THE YEAR 1999
- Koko*

Signature of Department Head/
Local Board Manager
9/2/07
Date
- _____
Signature of C.A.O.

Date
16. FUNDING (Treasury Department To Complete):
(a) NATURE OF PROPOSED FINANCING: _____
(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:
Yes ___ No ___
(c) IF DEBENTURE FINANCING:
(i) ANNUAL DEBENTURE FINANCING COST: \$ _____
(ii) TOTAL CARRYING COST OF RETIRING DEBT: \$ _____

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architect Division, Property Department.

The Corporation of the City of Hamilton

PROJECT NUMBER _____
(Treasury to complete)

**1993-2002 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM**

1. DEPARTMENT/LOCAL BOARD: **Public Works Department - Community Renewal**
2. PROJECT NAME: **Ferguson Avenue Revitalization - Implementation**
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:

Ferguson Avenue is proposed as a three-phase revitalization project. Phase I will include primary treatment to the area between Main and Kelly Streets with purchase and improvement on the CN lands in between Main and King Streets. Phase II entails secondary treatment to Ferguson Avenue from the Escarpment to Main Street and from Kelly Street to Pier 4 Park with emphasis on pedestrian connections at the perimeter road and at St. Joseph's Drive to Sam Lawrence Park. This Capital Budget submission includes an allowance to prepare working drawings and contract documents for construction as well as administration costs of the project.

4. DEPARTMENTAL PRIORITY ORDER: 3
5. NATURE OF PROJECT:
 - (a) MAINTENANCE OF AN EXISTING PROJECT _____
 - (b) HARD SERVICE X
 - (c) SOFT SERVICE X
6. PROJECT JUSTIFICATION:
 - (a) STRATEGIC DIRECTION
(Image of the City, Quality of Life, Transportation) X
 - (b) HEALTH/SAFETY/ENVIRONMENT X
 - (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT _____
 - (d) NEEDS ANALYSIS (Demand, Equitable, Cost / Benefit) _____
 - (e) ECONOMIC DEVELOPMENT X
 - (f) PRODUCE JOBS IN THE PRIVATE SECTOR X
 - (g) MAINTAIN EXISTING SERVICE
(Roads, Buildings, Other basic infrastructure) X
 - (h) REDUCE ONGOING COST
(Staffing and/or resource requirements) X
7. FEASIBILITY STUDY:
 - (a) DATE (MONTH-YEAR): December 1992
 - (b) GROSS COST \$ 60,000.
8. (a) PROJECT STARTING DATE (MONTH-YEAR)
(Year of O.M.B. approval): Jan 1995
- (b) PROJECT FINISHING DATE (MONTH-YEAR): Dec 1996
9. (a) GROSS COST OF PROJECT
IN YEAR-OF-START DOLLARS: \$ 1,800,000.
- (b) LESS PROVINCIAL SUBSIDIES: \$ _____
- (c) LESS OTHER RECEIPTS (Specify): \$ _____
- (d) NET CITY 'S COST: \$ 1,800,000.
10. (a) YEAR OF EXPENDITURE:

- 1993 \$ _____	- 1998 \$ _____
- 1994 \$ _____	- 1999 \$ _____
- 1995 \$ <u>1,000,000.</u>	- 2000 \$ _____
- 1996 \$ <u>800,000.</u>	- 2001 \$ _____
- 1997 \$ _____	- 2002 \$ _____

11. ESTIMATE PREPARED BY:
 (a) PROPERTY DEPARTMENT - ARCHITECT DIVISION
 No x Yes
 (b) If no, the basis of assumptions Based on previous projects of similar scope plus applicable inflation
12. ADDITIONAL JOBS TO BE CREATED BY PROJECT:
 (a) WITHIN THE CITY DEPARTMENTS NIL
 (b) IN THE COMMUNITY 37.0
13. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:
 (a) FIRST YEAR - DATE (MONTH-YEAR)
 (b) GROSS COST (All Inclusive) \$
 (c) LESS RECOVERY/REVENUE \$
 (d) NET CITY'S COST \$
 (e) FOLLOWING YEAR - DATE (MONTH-YEAR)
 (f) GROSS COST (All Inclusive) \$
 (g) LESS RECOVERY/REVENUE \$
 (h) NET CITY'S COST \$
14. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:
Continued decay of Ferguson Avenue with no active signs of growth particularly adjacent to the newly developed Theatre Aquarius and Beasley Park. Without this revitalization, private developers will not see any encouragement to invest in Ferguson Avenue and future growth will be stifled. In order to properly implement this project, an extensive community plan process is presently being undertaken. No direct pedestrian/bicycle link will exist between the Harbourfront Pier 4 Park, the Downtown Core and the Escarpment.
15. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?
 No Yes x ; If yes,
 (a) PROJECT NO. (1992-2001 Capital Budget) 152
 (b) AT CITY'S COST OF \$ 1,575,000.
 (c) SCHEDULED TO START IN THE YEAR 1995
- [Signature] [Signature]
 Signature of Department Head/ Signature of C.A.O
 Local Board Manager
9/2/07
 Date Date
16. FUNDING (Treasury Department To Complete):
 (a) NATURE OF PROPOSED FINANCING:
 (b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:
 Yes No
 (c) IF DEBENTURE FINANCING:
 (i) ANNUAL DEBENTURE FINANCING COST: \$
 (ii) TOTAL CARRYING COST OF RETIRING DEBT: \$

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architect Division, Property Department.

The Corporation of the City of Hamilton

PROJECT NUMBER _____
(Treasury to complete)

**1993-2002 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM**

1. DEPARTMENT/LOCAL BOARD: **Public Works Department - Community Renewal**
2. PROJECT NAME: **Phase VI of the Downtown Action Plan - Interconnecting Streets**
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:

Presently, the Downtown Action Plan includes a very defined boundary which treatment stops dramatically at its borders. Phase VI will address the transition areas from commercial to residential and also allow Public Works to develop a partnership with private developers to provide incentive dollars to upgrade the streetscaping around their buildings at minimal cost to the City. Authorization was given to the interconnecting streets within the Study Area to determine the feasibility of extending the Downtown Action Plan physical improvements.

4. DEPARTMENTAL PRIORITY ORDER: 7
5. NATURE OF PROJECT:
 - (a) MAINTENANCE OF AN EXISTING PROJECT _____
 - (b) HARD SERVICE X
 - (c) SOFT SERVICE X
6. PROJECT JUSTIFICATION:
 - (a) STRATEGIC DIRECTION
(Image of the City, Quality of Life, Transportation) X
 - (b) HEALTH/SAFETY/ENVIRONMENT - _____
 - (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT _____
 - (d) NEEDS ANALYSIS (Demand, Equitable, Cost / Benefit) _____
 - (e) ECONOMIC DEVELOPMENT X
 - (f) PRODUCE JOBS IN THE PRIVATE SECTOR X
 - (g) MAINTAIN EXISTING SERVICE
(Roads, Buildings, Other basic infrastructure) X
 - (h) REDUCE ONGOING COST
(Staffing and/or resource requirements) _____
7. FEASIBILITY STUDY:
 - (a) DATE (MONTH-YEAR): _____
 - (b) GROSS COST \$ _____
8. (a) PROJECT STARTING DATE (MONTH-YEAR)
(Year of O.M.B. approval): Jan 1997
- (b) PROJECT FINISHING DATE (MONTH-YEAR): Dec 1998
9. (a) GROSS COST OF PROJECT
IN YEAR-OF-START DOLLARS: \$ 800,000.
- (b) LESS PROVINCIAL SUBSIDIES: \$ _____
- (c) LESS OTHER RECEIPTS (Specify): _____ \$ _____
- (d) NET CITY'S COST: \$ 800,000.
10. (a) YEAR OF EXPENDITURE:

- 1993 \$ _____	- 1998 \$ <u>600,000.</u>
- 1994 \$ _____	- 1999 \$ _____
- 1995 \$ _____	- 2000 \$ _____
- 1996 \$ _____	- 2001 \$ _____
- 1997 \$ <u>200,000.</u>	- 2002 \$ _____

- NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architect Division, Property Department.

The Corporation of the City of Hamilton

PROJECT NUMBER _____

(Treasury to complete)

1993-2002 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Public Works Department - Community Renewal
2. PROJECT NAME: Crown Point East/McAnulty P.R.I.D.E. Programme; Phase I
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:

This is the first phase of a two-phase project which will include improvements to both hard and soft services addressing residential, commercial and industrial needs of the neighbourhoods. In Phase I, stress will be placed on the McAnulty Priority One Park located at Holly and McAnulty Boulevard. Phase II will place more emphasis on the recreational/residential needs of the Crown Point East Neighbourhood.

4. DEPARTMENTAL PRIORITY ORDER: 1
5. NATURE OF PROJECT:
 - (a) MAINTENANCE OF AN EXISTING PROJECT _____
 - (b) HARD SERVICE x
 - (c) SOFT SERVICE x
6. PROJECT JUSTIFICATION:
 - (a) STRATEGIC DIRECTION
(Image of the City, Quality of Life, Transportation) x
 - (b) HEALTH/SAFETY/ENVIRONMENT x
 - (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT _____
 - (d) NEEDS ANALYSIS (Demand, Equitable, Cost / Benefit) x
 - (e) ECONOMIC DEVELOPMENT _____
 - (f) PRODUCE JOBS IN THE PRIVATE SECTOR _____
 - (g) MAINTAIN EXISTING SERVICE
(Roads, Buildings, Other basic infrastructure) x
 - (h) REDUCE ONGOING COST
(Staffing and/or resource requirements) x
7. FEASIBILITY STUDY:
 - (a) DATE (MONTH-YEAR): _____
 - (b) GROSS COST \$ _____
8. (a) PROJECT STARTING DATE (MONTH-YEAR)
(Year of O.M.B. approval): Jan 1993
 - (b) PROJECT FINISHING DATE (MONTH-YEAR): Dec 1994
9. (a) GROSS COST OF PROJECT
IN YEAR-OF-START DOLLARS: \$ 800,000.
 - (b) LESS PROVINCIAL SUBSIDIES: \$ 400,000.
 - (c) LESS OTHER RECEIPTS (Specify): _____ \$ _____
 - (d) NET CITY'S COST: \$ 400,000.
10. (a) YEAR OF EXPENDITURE:

- 1993 \$ <u>100,000.</u>	- 1998 \$ _____
- 1994 \$ <u>300,000.</u>	- 1999 \$ _____
- 1995 \$ _____	- 2000 \$ _____
- 1996 \$ _____	- 2001 \$ _____
- 1997 \$ _____	- 2002 \$ _____

11. ESTIMATE PREPARED BY:
(a) PROPERTY DEPARTMENT - ARCHITECT DIVISION
No x Yes ___
(b) If no, the basis of assumptions Maximize Provincial Contribution
12. ADDITIONAL JOBS TO BE CREATED BY PROJECT:
(a) WITHIN THE CITY DEPARTMENTS NIL
(b) IN THE COMMUNITY 16.0
13. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:
(a) FIRST YEAR - DATE (MONTH-YEAR)
(b) GROSS COST (All Inclusive) \$ 25,000.
(c) LESS RECOVERY/REVENUE \$ _____
(d) NET CITY'S COST \$ 25,000.
(e) FOLLOWING YEAR - DATE (MONTH-YEAR) _____
(f) GROSS COST (All Inclusive) \$ 26,000.
(g) LESS RECOVERY/REVENUE \$ _____
(h) NET CITY'S COST \$ 26,000.
14. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:
Priority One Park remains undeveloped; Provincial subsidies not maximized; Neighbourhood facilities continue to decay.
15. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?
No ___ Yes x; If yes,
(a) PROJECT NO. (1992-2001 Capital Budget) 150.0
(b) AT CITY'S COST OF \$ 400,000.
(c) SCHEDULED TO START IN THE YEAR 1993
- [Signature]
Signature of Department Head/
Local Board Manager
72/10/07
Date
- [Signature]
Signature of C.A.O.

Date
16. FUNDING (Treasury Department To Complete):
(a) NATURE OF PROPOSED FINANCING: _____
(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:
Yes ___ No ___
(c) IF DEBENTURE FINANCING:
(i) ANNUAL DEBENTURE FINANCING COST: \$ _____
(ii) TOTAL CARRYING COST OF RETIRING DEBT: \$ _____
- NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architect Division, Property Department.

The Corporation of the City of Hamilton

PROJECT NUMBER _____
(Treasury to complete)

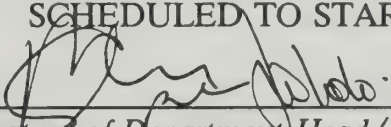
1993-2002 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: **Public Works Department - Community Renewal**
2. PROJECT NAME: **Stipeley South Neighbourhood P.R.I.D.E. Programme**
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:

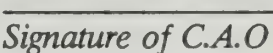
The Stipeley Neighbourhood south of Barton Street has a major deficiency in parkland and, therefore, contains no Priority One Park. A Priority One Park must be identified and upgraded, hard and soft services require major improvements. The Neighbourhood is located east/central in Ward Three and is a mix of residential, industrial and commercial uses.

4. DEPARTMENTAL PRIORITY ORDER: 4
5. NATURE OF PROJECT:
 - (a) MAINTENANCE OF AN EXISTING PROJECT _____
 - (b) HARD SERVICE X
 - (c) SOFT SERVICE X
6. PROJECT JUSTIFICATION:
 - (a) STRATEGIC DIRECTION
(Image of the City, Quality of Life, Transportation) X
 - (b) HEALTH/SAFETY/ENVIRONMENT X
 - (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT _____
 - (d) NEEDS ANALYSIS (Demand, Equitable, Cost / Benefit) _____
 - (e) ECONOMIC DEVELOPMENT _____
 - (f) PRODUCE JOBS IN THE PRIVATE SECTOR _____
 - (g) MAINTAIN EXISTING SERVICE
(Roads, Buildings, Other basic infrastructure) X
 - (h) REDUCE ONGOING COST
(Staffing and/or resource requirements) _____
7. FEASIBILITY STUDY:
 - (a) DATE (MONTH-YEAR): _____
 - (b) GROSS COST \$ _____
8.
 - (a) PROJECT STARTING DATE (MONTH-YEAR)
(Year of O.M.B. approval): Jan 1996
 - (b) PROJECT FINISHING DATE (MONTH-YEAR): Dec 1997
9.
 - (a) GROSS COST OF PROJECT
IN YEAR-OF-START DOLLARS: \$ 800,000.
 - (b) LESS PROVINCIAL SUBSIDIES: \$ 400,000.
 - (c) LESS OTHER RECEIPTS (Specify): _____ \$ _____
 - (d) NET CITY 'S COST: \$ 400,000.
10. (a) YEAR OF EXPENDITURE:

- 1993 \$ _____	- 1998 \$ _____
- 1994 \$ _____	- 1999 \$ _____
- 1995 \$ _____	- 2000 \$ _____
- 1996 \$ <u>200,000.</u>	- 2001 \$ _____
- 1997 \$ <u>200,000.</u>	- 2002 \$ _____

11. ESTIMATE PREPARED BY:
 (a) PROPERTY DEPARTMENT - ARCHITECT DIVISION
 No x Yes
 (b) If no, the basis of assumptions Provincial Subsidy maximum is \$400,000. matched by Municipal contribution equals on upset of \$800,000. available for redevelopment.
12. ADDITIONAL JOBS TO BE CREATED BY PROJECT:
 (a) WITHIN THE CITY DEPARTMENTS NIL
 (b) IN THE COMMUNITY 16.0
13. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:
 (a) FIRST YEAR - DATE (MONTH-YEAR) March 1997
 (b) GROSS COST (All Inclusive) \$ 27,000.
 (c) LESS RECOVERY/REVENUE \$
 (d) NET CITY'S COST \$ 27,000.
 (e) FOLLOWING YEAR - DATE (MONTH-YEAR) March 1998
 (f) GROSS COST (All Inclusive) \$ 28,000.
 (g) LESS RECOVERY/REVENUE \$
 (h) NET CITY'S COST \$ 28,000.
14. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:
Parkland remains deficient, Neighbourhood hard services continue to deteriorate, Provincial Subsidy not maximized through the Ministry of Municipal Affairs, Community Development Branch.
15. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?
 No Yes x ; If yes,
 (a) PROJECT NO. (1992-2001 Capital Budget) 154.0
 (b) AT CITY'S COST OF \$ 400,000.
 (c) SCHEDULED TO START IN THE YEAR 1996
- 

 Signature of Department Head/
 Local Board Manager
92/10/07

 Date
- 

 Signature of C.A.O.

 Date
16. FUNDING (Treasury Department To Complete):
 (a) NATURE OF PROPOSED FINANCING: _____
 (b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:
 Yes No
 (c) IF DEBENTURE FINANCING:
 (i) ANNUAL DEBENTURE FINANCING COST: \$ _____
 (ii) TOTAL CARRYING COST OF RETIRING DEBT: \$ _____

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architect Division, Property Department.

The Corporation of the City of Hamilton

PROJECT NUMBER _____
(Treasury to complete)

1993-2002 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Public Works Department - Community Renewal
2. PROJECT NAME: Parkview P.R.I.D.E. Programme (East and West)
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:

Parkview Neighbourhood, adjacent to Red Hill Creek is deficient in park facilities, and other hard and soft services. A Priority One Park must be identified and developed. Other deficiencies exist in the commercial and residential sectors of the neighbourhood.

4. DEPARTMENTAL PRIORITY ORDER: 5

5. NATURE OF PROJECT:

- (a) MAINTENANCE OF AN EXISTING PROJECT _____
- (b) HARD SERVICE x
- (c) SOFT SERVICE x

6. PROJECT JUSTIFICATION:

- (a) STRATEGIC DIRECTION
(Image of the City, Quality of Life, Transportation) x
- (b) HEALTH/SAFETY/ENVIRONMENT - _____
- (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT x
- (d) NEEDS ANALYSIS (Demand, Equitable, Cost / Benefit) _____
- (e) ECONOMIC DEVELOPMENT _____
- (f) PRODUCE JOBS IN THE PRIVATE SECTOR _____
- (g) MAINTAIN EXISTING SERVICE
(Roads, Buildings, Other basic infrastructure) _____
- (h) REDUCE ONGOING COST
(Staffing and/or resource requirements) _____

7. FEASIBILITY STUDY:

- (a) DATE (MONTH-YEAR): _____
- (b) GROSS COST \$ _____

8. (a) PROJECT STARTING DATE (MONTH-YEAR)

(Year of O.M.B. approval):

Jan 1997

- (b) PROJECT FINISHING DATE (MONTH-YEAR):

Dec 1998

9. (a) GROSS COST OF PROJECT

IN YEAR-OF-START DOLLARS:

\$ 800,000.

- (b) LESS PROVINCIAL SUBSIDIES:

\$ 400,000.

- (c) LESS OTHER RECEIPTS (Specify): _____

\$ _____

- (d) NET CITY 'S COST:

\$ 400,000.

10. (a) YEAR OF EXPENDITURE:

- 1993 \$ _____

- 1998 \$ 300,000.

- 1994 \$ _____

- 1999 \$ _____

- 1995 \$ _____

- 2000 \$ _____

- 1996 \$ _____

- 2001 \$ _____

- 1997 \$ 100,000.

- 2002 \$ _____

- NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architect Division, Property Department.

The Corporation of the City of Hamilton

PROJECT NUMBER _____

(Treasury to complete)

1993-2002 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Public Works Department - Community Renewal
2. PROJECT NAME: Crown Point East/McAnulty P.R.I.D.E. Programme; Phase II
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:

This the second phase of a two-phase project stressing improvements to the Crown Point East Priority One Park on Roxborough Avenue at Queen Mary School along with other residential, commercial and industrial needs of the neighbourhoods as per guidelines provided by the Ministry of Municipal Affairs under the P.R.I.D.E. Programme. Other items of renewal could include lighting, sidewalks, accessibility of the neighbourhood, buffering, etc.

4. DEPARTMENTAL PRIORITY ORDER: 2
5. NATURE OF PROJECT:
 - (a) MAINTENANCE OF AN EXISTING PROJECT _____
 - (b) HARD SERVICE X
 - (c) SOFT SERVICE X
6. PROJECT JUSTIFICATION:
 - (a) STRATEGIC DIRECTION
(Image of the City, Quality of Life, Transportation) X
 - (b) HEALTH/SAFETY/ENVIRONMENT - _____
 - (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT _____
 - (d) NEEDS ANALYSIS (Demand, Equitable, Cost / Benefit) X
 - (e) ECONOMIC DEVELOPMENT _____
 - (f) PRODUCE JOBS IN THE PRIVATE SECTOR _____
 - (g) MAINTAIN EXISTING SERVICE
(Roads, Buildings, Other basic infrastructure) X
 - (h) REDUCE ONGOING COST
(Staffing and/or resource requirements) X
7. FEASIBILITY STUDY:
 - (a) DATE (MONTH-YEAR): _____
 - (b) GROSS COST \$ _____
8. (a) PROJECT STARTING DATE (MONTH-YEAR)
(Year of O.M.B. approval): Jan 1994
 - (b) PROJECT FINISHING DATE (MONTH-YEAR): Dec 1996
9. (a) GROSS COST OF PROJECT
IN YEAR-OF-START DOLLARS: \$ 800,000.
 - (b) LESS PROVINCIAL SUBSIDIES: \$ 400,000.
 - (c) LESS OTHER RECEIPTS (Specify): _____ \$ _____
 - (d) NET CITY 'S COST: \$ 400,000.
10. (a) YEAR OF EXPENDITURE:

- 1993 \$ _____	- 1998 \$ _____
- 1994 \$ <u>100,000.</u>	- 1999 \$ _____
- 1995 \$ <u>200,000.</u>	- 2000 \$ _____
- 1996 \$ <u>100,000.</u>	- 2001 \$ _____
- 1997 \$ _____	- 2002 \$ _____

11. ESTIMATE PREPARED BY:

(a) PROPERTY DEPARTMENT - ARCHITECT DIVISION

No ☒ Yes ☐

(b) If no, the basis of assumptions To maximize Provincial Subsidy (maximum \$400,000.)

12. ADDITIONAL JOBS TO BE CREATED BY PROJECT:

(a) WITHIN THE CITY DEPARTMENTS

NIL

(b) IN THE COMMUNITY

40.0

13. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:

(a) FIRST YEAR - DATE (MONTH-YEAR)

March 1996

(b) GROSS COST (All Inclusive)

\$ 25,000.

(c) LESS RECOVERY/REVENUE

\$

(d) NET CITY'S COST

\$ 25,000.

(e) FOLLOWING YEAR - DATE (MONTH-YEAR) March 1997

(f) GROSS COST (All Inclusive)

\$ 26,000.

(g) LESS RECOVERY/REVENUE

\$

(h) NET CITY'S COST

\$ 26,000.

14. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:

Second of Phase II Phase Project not completed leaving the Crown Point East Priority One Park undeveloped.

Existing shortfall of recreational facilities, hard and soft services will continue to decline.

15. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

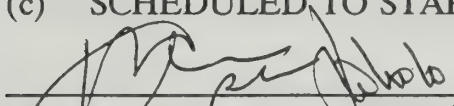
No ☐ Yes ☒ ; If yes,

(a) PROJECT NO. (1997-2001 Future Capital Budget) 151.0

(b) AT CITY'S COST OF

\$ 400,000.

(c) SCHEDULED TO START IN THE YEAR 1994


Signature of Department Head/
Local Board Manager

Signature of C.A.O

92/12/07

Date

Date

16. FUNDING (Treasury Department To Complete):

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ☐ No ☐

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST:

\$ _____

(ii) TOTAL CARRYING COST OF RETIRING DEBT:

\$ _____

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architect Division, Property Department.

The Corporation of the City of Hamilton

PROJECT NUMBER _____
(Treasury to complete)

**1993-2002 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM**

1. DEPARTMENT/LOCAL BOARD: **Public Works Department - Community Renewal**
2. PROJECT NAME: **Crown Point East/McAnulty P.R.I.D.E. Programme; Phase II**
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:

This the second phase of a two-phase project stressing improvements to the Crown Point East Priority One Park on Roxborough Avenue at Queen Mary School along with other residential, commercial and industrial needs of the neighbourhoods as per guidelines provided by the Ministry of Municipal Affairs under the P.R.I.D.E. Programme. Other items of renewal could include lighting, sidewalks, accessibility of the neighbourhood, buffering, etc.

4. DEPARTMENTAL PRIORITY ORDER: 2
5. NATURE OF PROJECT:
 - (a) MAINTENANCE OF AN EXISTING PROJECT
 - (b) HARD SERVICE x
 - (c) SOFT SERVICE x
6. PROJECT JUSTIFICATION:
 - (a) STRATEGIC DIRECTION
(Image of the City, Quality of Life, Transportation) x
 - (b) HEALTH/SAFETY/ENVIRONMENT -
 - (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT
 - (d) NEEDS ANALYSIS (Demand, Equitable, Cost / Benefit) x
 - (e) ECONOMIC DEVELOPMENT
 - (f) PRODUCE JOBS IN THE PRIVATE SECTOR
 - (g) MAINTAIN EXISTING SERVICE
(Roads, Buildings, Other basic infrastructure) x
 - (h) REDUCE ONGOING COST
(Staffing and/or resource requirements) x
7. FEASIBILITY STUDY:
 - (a) DATE (MONTH-YEAR):
 - (b) GROSS COST \$
8. (a) PROJECT STARTING DATE (MONTH-YEAR)
(Year of O.M.B. approval): Jan 1994
- (b) PROJECT FINISHING DATE (MONTH-YEAR): Dec 1996
9. (a) GROSS COST OF PROJECT
IN YEAR-OF-START DOLLARS: \$ 800,000.
- (b) LESS PROVINCIAL SUBSIDIES: \$ 400,000.
- (c) LESS OTHER RECEIPTS (Specify): \$
- (d) NET CITY 'S COST: \$ 400,000.
10. (a) YEAR OF EXPENDITURE:

- 1993 \$ <u> </u>	- 1998 \$ <u> </u>
- 1994 \$ <u>100,000.</u>	- 1999 \$ <u> </u>
- 1995 \$ <u>200,000.</u>	- 2000 \$ <u> </u>
- 1996 \$ <u>100,000.</u>	- 2001 \$ <u> </u>
- 1997 \$ <u> </u>	- 2002 \$ <u> </u>

11. ESTIMATE PREPARED BY:

(a) PROPERTY DEPARTMENT - ARCHITECT DIVISION

No ☒ Yes ☐

(b) If no, the basis of assumptions To maximize Provincial Subsidy (maximum \$400,000.)

12. ADDITIONAL JOBS TO BE CREATED BY PROJECT:

(a) WITHIN THE CITY DEPARTMENTS

NIL

(b) IN THE COMMUNITY

40.0

13. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:

(a) FIRST YEAR - DATE (MONTH-YEAR)

March 1996

(b) GROSS COST (All Inclusive)

\$ 25,000.

(c) LESS RECOVERY/REVENUE

\$

(d) NET CITY'S COST

\$ 25,000.

(e) FOLLOWING YEAR - DATE (MONTH-YEAR)

March 1997

(f) GROSS COST (All Inclusive)

\$ 26,000.

(g) LESS RECOVERY/REVENUE

\$

(h) NET CITY'S COST

\$ 26,000.

14. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:

Second of Phase II Phase Project not completed leaving the Crown Point East Priority One Park undeveloped.
Existing shortfall of recreational facilities, hard and soft services will continue to decline.

15. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

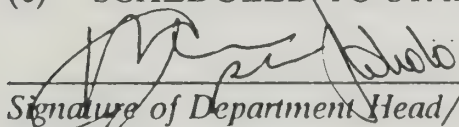
No ☐ Yes ☒ ; If yes,

(a) PROJECT NO. (1997-2001 Future Capital Budget) 151.0

(b) AT CITY'S COST OF

\$ 400,000.

(c) SCHEDULED TO START IN THE YEAR 1994



Signature of Department Head/
Local Board Manager

Signature of C.A.O

92/12/07

Date

Date

16. FUNDING (Treasury Department To Complete):

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ☐ No ☐

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST:

\$ _____

(ii) TOTAL CARRYING COST OF RETIRING DEBT:

\$ _____

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architect Division, Property Department.

The Corporation of the City of Hamilton

PROJECT NUMBER _____
(Treasury to complete)

**1993-2002 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM**

1. DEPARTMENT/LOCAL BOARD: **Public Works Department - Community Renewal**
2. PROJECT NAME: **Crown Point East/McAnulty P.R.I.D.E. Programme; Phase II**
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:

This the second phase of a two-phase project stressing improvements to the Crown Point East Priority One Park on Roxborough Avenue at Queen Mary School along with other residential, commercial and industrial needs of the neighbourhoods as per guidelines provided by the Ministry of Municipal Affairs under the P.R.I.D.E. Programme. Other items of renewal could include lighting, sidewalks, accessibility of the neighbourhood, buffering, etc.

4. DEPARTMENTAL PRIORITY ORDER: 2
5. NATURE OF PROJECT:
 - (a) MAINTENANCE OF AN EXISTING PROJECT
 - (b) HARD SERVICE X
 - (c) SOFT SERVICE X
6. PROJECT JUSTIFICATION:
 - (a) STRATEGIC DIRECTION
(Image of the City, Quality of Life, Transportation) X
 - (b) HEALTH/SAFETY/ENVIRONMENT -
 - (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT
 - (d) NEEDS ANALYSIS (Demand, Equitable, Cost / Benefit) X
 - (e) ECONOMIC DEVELOPMENT
 - (f) PRODUCE JOBS IN THE PRIVATE SECTOR
 - (g) MAINTAIN EXISTING SERVICE
(Roads, Buildings, Other basic infrastructure) X
 - (h) REDUCE ONGOING COST
(Staffing and/or resource requirements) X
7. FEASIBILITY STUDY:
 - (a) DATE (MONTH-YEAR):
 - (b) GROSS COST \$
8. (a) PROJECT STARTING DATE (MONTH-YEAR)
(Year of O.M.B. approval): Jan 1994
- (b) PROJECT FINISHING DATE (MONTH-YEAR): Dec 1996
9. (a) GROSS COST OF PROJECT
IN YEAR-OF-START DOLLARS: \$ 800,000.
- (b) LESS PROVINCIAL SUBSIDIES: \$ 400,000.
- (c) LESS OTHER RECEIPTS (Specify): \$
- (d) NET CITY'S COST: \$ 400,000.
10. (a) YEAR OF EXPENDITURE:

- 1993 \$ <u> </u>	- 1998 \$ <u> </u>
- 1994 \$ <u>100,000.</u>	- 1999 \$ <u> </u>
- 1995 \$ <u>200,000.</u>	- 2000 \$ <u> </u>
- 1996 \$ <u>100,000.</u>	- 2001 \$ <u> </u>
- 1997 \$ <u> </u>	- 2002 \$ <u> </u>

11. ESTIMATE PREPARED BY:
(a) PROPERTY DEPARTMENT - ARCHITECT DIVISION
No x Yes
(b) If no, the basis of assumptions To maximize Provincial Subsidy (maximum \$400,000.)
12. ADDITIONAL JOBS TO BE CREATED BY PROJECT:
(a) WITHIN THE CITY DEPARTMENTS NIL
(b) IN THE COMMUNITY 40.0
13. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:
(a) FIRST YEAR - DATE (MONTH-YEAR) March 1996
(b) GROSS COST (All Inclusive) \$ 25,000.
(c) LESS RECOVERY/REVENUE \$
(d) NET CITY'S COST \$ 25,000.
(e) FOLLOWING YEAR - DATE (MONTH-YEAR) March 1997
(f) GROSS COST (All Inclusive) \$ 26,000.
(g) LESS RECOVERY/REVENUE \$
(h) NET CITY'S COST \$ 26,000.
14. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:
Second of Phase II Phase Project not completed leaving the Crown Point East Priority One Park undeveloped.
Existing shortfall of recreational facilities, hard and soft services will continue to decline.
15. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?
No Yes x ; If yes,
(a) PROJECT NO. (1997-2001 Future Capital Budget) 151.0
(b) AT CITY'S COST OF \$ 400,000.
(c) SCHEDULED TO START IN THE YEAR 1994
- [Signature] [Signature]
Signature of Department Head/ Signature of C.A.O
Local Board Manager
92/12/07
Date Date
16. FUNDING (Treasury Department To Complete):
(a) NATURE OF PROPOSED FINANCING:
(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:
Yes No
(c) IF DEBENTURE FINANCING:
(i) ANNUAL DEBENTURE FINANCING COST: \$
(ii) TOTAL CARRYING COST OF RETIRING DEBT: \$

Signature of C.A.O

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architect Division, Property Department.

**1993-2002 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM**

1. DEPARTMENT/LOCAL BOARD: Public Works Department - Community Renewal
2. PROJECT NAME: Crown Point East/McAnulty P.R.I.D.E. Programme; Phase II
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:

This the second phase of a two-phase project stressing improvements to the Crown Point East Priority One Park on Roxborough Avenue at Queen Mary School along with other residential, commercial and industrial needs of the neighbourhoods as per guidelines provided by the Ministry of Municipal Affairs under the P.R.I.D.E. Programme. Other items of renewal could include lighting, sidewalks, accessibility of the neighbourhood, buffering, etc.

4. DEPARTMENTAL PRIORITY ORDER: 2
5. NATURE OF PROJECT:
 - (a) MAINTENANCE OF AN EXISTING PROJECT _____
 - (b) HARD SERVICE x
 - (c) SOFT SERVICE x
6. PROJECT JUSTIFICATION:
 - (a) STRATEGIC DIRECTION
(Image of the City, Quality of Life, Transportation) x
 - (b) HEALTH/SAFETY/ENVIRONMENT - _____
 - (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT _____
 - (d) NEEDS ANALYSIS (Demand, Equitable, Cost / Benefit) x
 - (e) ECONOMIC DEVELOPMENT _____
 - (f) PRODUCE JOBS IN THE PRIVATE SECTOR _____
 - (g) MAINTAIN EXISTING SERVICE
(Roads, Buildings, Other basic infrastructure) x
 - (h) REDUCE ONGOING COST
(Staffing and/or resource requirements) x
7. FEASIBILITY STUDY:
 - (a) DATE (MONTH-YEAR): _____
 - (b) GROSS COST \$ _____
8. (a) PROJECT STARTING DATE (MONTH-YEAR)
(Year of O.M.B. approval): Jan 1994
- (b) PROJECT FINISHING DATE (MONTH-YEAR): Dec 1996
9. (a) GROSS COST OF PROJECT
IN YEAR-OF-START DOLLARS: \$ 800,000.
- (b) LESS PROVINCIAL SUBSIDIES: \$ 400,000.
- (c) LESS OTHER RECEIPTS (Specify): _____ \$ _____
- (d) NET CITY'S COST: \$ 400,000.
10. (a) YEAR OF EXPENDITURE:

- 1993 \$ _____	- 1998 \$ _____
- 1994 \$ <u>100,000.</u>	- 1999 \$ _____
- 1995 \$ <u>200,000.</u>	- 2000 \$ _____
- 1996 \$ <u>100,000.</u>	- 2001 \$ _____
- 1997 \$ _____	- 2002 \$ _____

11. ESTIMATE PREPARED BY:

(a) PROPERTY DEPARTMENT - ARCHITECT DIVISION

No ☒ Yes ☐

(b) If no, the basis of assumptions To maximize Provincial Subsidy (maximum \$400,000.)

12. ADDITIONAL JOBS TO BE CREATED BY PROJECT:

(a) WITHIN THE CITY DEPARTMENTS

NIL

(b) IN THE COMMUNITY

40.0

13. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:

(a) FIRST YEAR - DATE (MONTH-YEAR)

March 1996

(b) GROSS COST (All Inclusive)

\$ 25,000.

(c) LESS RECOVERY/REVENUE

\$

(d) NET CITY'S COST

\$ 25,000.

(e) FOLLOWING YEAR - DATE (MONTH-YEAR) March 1997

(f) GROSS COST (All Inclusive)

\$ 26,000.

(g) LESS RECOVERY/REVENUE

\$

(h) NET CITY'S COST

\$ 26,000.

14. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:

Second of Phase II Phase Project not completed leaving the Crown Point East Priority One Park undeveloped. Existing shortfall of recreational facilities, hard and soft services will continue to decline.

15. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

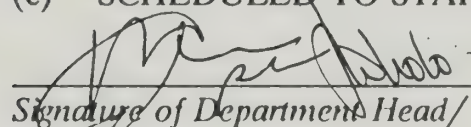
No ☐ Yes ☒ ; If yes,

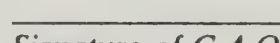
(a) PROJECT NO. (1997-2001 Future Capital Budget) 151.0

(b) AT CITY'S COST OF

\$ 400,000.

(c) SCHEDULED TO START IN THE YEAR 1994


Signature of Department Head/
Local Board Manager


Signature of C.A.O

92/12/07
Date

Date

16. FUNDING (Treasury Department To Complete):

(a) NATURE OF PROPOSED FINANCING:

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ☐ No ☐

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST:

\$

(ii) TOTAL CARRYING COST OF RETIRING DEBT:

\$

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architect Division, Property Department.

The Corporation of the City of Hamilton

PROJECT NUMBER _____
(Treasury to complete)

1993-2002 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Public Works Department - Community Renewal
2. PROJECT NAME: Crown Point East/McAnulty P.R.I.D.E. Programme; Phase II
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:

This the second phase of a two-phase project stressing improvements to the Crown Point East Priority One Park on Roxborough Avenue at Queen Mary School along with other residential, commercial and industrial needs of the neighbourhoods as per guidelines provided by the Ministry of Municipal Affairs under the P.R.I.D.E. Programme. Other items of renewal could include lighting, sidewalks, accessibility of the neighbourhood, buffering, etc.

4. DEPARTMENTAL PRIORITY ORDER: 2
5. NATURE OF PROJECT:
 - (a) MAINTENANCE OF AN EXISTING PROJECT _____
 - (b) HARD SERVICE x
 - (c) SOFT SERVICE x
6. PROJECT JUSTIFICATION:
 - (a) STRATEGIC DIRECTION
(Image of the City, Quality of Life, Transportation) x
 - (b) HEALTH/SAFETY/ENVIRONMENT - _____
 - (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT _____
 - (d) NEEDS ANALYSIS (Demand, Equitable, Cost / Benefit) x
 - (e) ECONOMIC DEVELOPMENT _____
 - (f) PRODUCE JOBS IN THE PRIVATE SECTOR _____
 - (g) MAINTAIN EXISTING SERVICE
(Roads, Buildings, Other basic infrastructure) x
 - (h) REDUCE ONGOING COST
(Staffing and/or resource requirements) x
7. FEASIBILITY STUDY:
 - (a) DATE (MONTH-YEAR): _____
 - (b) GROSS COST \$ _____
8. (a) PROJECT STARTING DATE (MONTH-YEAR)
(Year of O.M.B. approval): Jan 1994
- (b) PROJECT FINISHING DATE (MONTH-YEAR): Dec 1996
9. (a) GROSS COST OF PROJECT
IN YEAR-OF-START DOLLARS: \$ 800,000.
- (b) LESS PROVINCIAL SUBSIDIES: \$ 400,000.
- (c) LESS OTHER RECEIPTS (Specify): _____ \$ _____
- (d) NET CITY'S COST: \$ 400,000.
10. (a) YEAR OF EXPENDITURE:

- 1993 \$ _____	- 1998 \$ _____
- 1994 \$ <u>100,000.</u>	- 1999 \$ _____
- 1995 \$ <u>200,000.</u>	- 2000 \$ _____
- 1996 \$ <u>100,000.</u>	- 2001 \$ _____
- 1997 \$ _____	- 2002 \$ _____

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

OCT 28 1992

DATE: 1992 October 28
4498
P5-4-46

CITY CLERKS

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

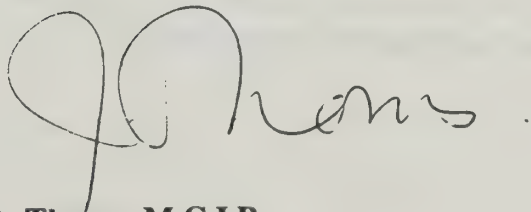
FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: The Commission on Planning and Development in Ontario
(Sewell Commission) - Proposed Details on Planning
Reform

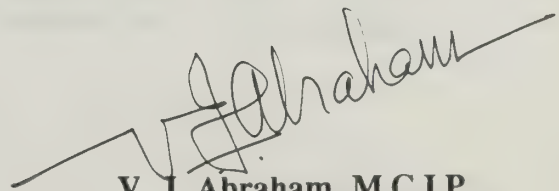
RECOMMENDATION:

That Planning and Development Committee recommend to Council:

1. That the Commission on Planning and Development Reform be requested to strengthen and clarify their proposals for reform of the planning system as outlined in Appendix "A" (on the following pages); and,
2. The City Clerk be requested to forward this report to the Sewell Commission and Hamilton-Wentworth Region.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V. J. Abraham, M.C.I.P.
Director of Local Planning

APPENDIX "A"

The following is a list of recommendations to the Sewell Commission in response to proposals in the September, 1992 issue of New Planning News:

1. *Provide more detail on the roles and responsibilities of the proposed Provincial policy committees with respect to policy implementation.*
2. *Clearly identify the role of special planning committees in Provincial planning.*
3. *The City re-affirm its position that planning should be done at the level of government closest to the public and therefore more accountable. Therefore, upper tier municipalities should be responsible for developing policies for matters only within their jurisdiction.*
4. *Provide more emphasis on planning for social and economic change, and on transportation and infrastructure planning in the list proposed for required contents of upper and lower tier plans. In addition, the proposal to have 'state of the environment' reports prepared should be not be mandatory for lower-tier municipalities, where such reports are prepared by the upper-tier.*
5. *Recommend that the Province take the lead in defining and developing a geographical information system(s) that would meet the needs and be accessible to the municipalities for environmental data.*
6. *Recommend that the Province take a leadership role regarding the issue of contaminated soils.*
7. *Provide details regarding which legislation the Infrastructure Design and Mitigation Process falls under; the official status of the proposed transportation and infrastructure plans; and, how and when a project becomes subject to the Environmental Assessment Act.*
8. *Clearly identify who is responsible for watershed plans, the difference between watershed studies and watershed plans, and funding responsibilities.*

9. *Continue to investigate creative ways to improve the development process as stated in the City's submission in February, 1992 as follows:*

"investigate creative ways to improve the development process such as: modifying the notification requirements for Official Plans to be consistent with zoning by-laws; allowing for conditional approvals (e.g. zoning, site plan approval) with a time limit; introducing a time limit for submissions of appeals where Council denies an application; allowing for conditional uses subject to fixed rules/criteria; giving circulated agencies, particularly the Provincial departments, a specific time period to comment on applications; accountability for decisions should be at the lowest level (i.e. Council) with fewer referrals to the Ontario Municipal Board (only where there is a declared Provincial interest); delegating approval process for minor applications (e.g. conversion, parking lots) by a sub-committee or appointed municipal representative".

10. *Whether regulations such as density and uses would fall under site plan control as opposed to the zoning by-law.*
11. *Ensure, where there is no objection, that removal of the 30 day appeal period does not circumvent due process.*

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Commission on Planning and Development in Ontario (Sewell Commission) was established in June, 1991 under the Public Inquiries Act. Briefly, the terms of the Commission are:

1. to examine the relationship between the public and private interests in land use and development;
2. to inquire into, report upon and make recommendations on legislative change and other actions needed to restore confidence in the integrity of the land use planning system; and,
3. to consult widely, undertake research, foster dialogue and make recommendations on amendments to the Planning Act, 1983 and other relevant legislation and to undertake other actions needed to achieve its mandate.

In November, 1991, the Commission circulated a set of planning goals. In April, 1992, they circulated revised goals and proposals for reform of the planning process. City Council responded to the initial goal setting exercise in February, 1992 (See Appendix B attached).

In September, 1992 the Commission circulated a discussion paper to provide more detail on provincial roles, municipal roles, the environment, and development (control and standards). The Commission is working towards a deadline for a final draft report by the end of November.

The following is a brief outline of the Commission's proposals and comments thereto.

PROVINCIAL ROLES

City Council, in February 1992, in response to the initial goal setting exercise, recommended the Commission:

" review the role of provincial policy statements in the planning process, including ways in which municipalities, the public and other interested parties are, or should be involved in the formulation of policies expressing a Provincial interest."

The Commission is recommending that the Provincial policy making system be enhanced by the establishment of a Provincial Planning Advisory Committee (PPAC) and an Interministerial Planning Committee (IPC). PPAC would comprise 15 to 20 members representing the diverse interests in the planning system, including the development industry, environmental groups, municipalities, and planners. IPC would consist of deputy ministers from Ministries with an interest in planning issues (Municipal Affairs, Environment, Natural Resources, Culture and Communications, Housing, Agriculture and Food, and Transportation). The committees would organize public consultation, provide advice on policy development, and improve consultation and communication between ministries, and make recommendations for revised policies to the Minister of Municipal Affairs.

The Commission does not address a role for the committees in policy implementation. For example, the committees should be responsible for developing implementation guidelines, in addition to policy formulation, which have legitimacy before the Ontario Municipal Board. Based on the foregoing, the Commission should:

Provide more detail on the roles and responsibilities of the proposed Provincial policy committees with respect to policy implementation.

The Commission does not identify a clear framework for Provincial planning. It identifies two areas where Provincial policy planning is needed: where the Province is spending its own money, such as on infrastructure; and, where issues cross municipal boundaries.

It suggests the formation of special planning committees (under the IPC) with strong representation from local interests. However, the first step in the process should be a clear indication from the Province on what their interest, goals and objectives are in the matter. Once this step has been taken, the formation of special planning committees to identify how these interests can be achieved and to identify and establish a plan to achieve local interests, goals and objectives, is a desirable step. On this basis, the Commission should:

Clearly identify the role of special planning committees in Provincial planning.

MUNICIPAL ROLES

In addressing municipal roles, the Commission looks at three specific areas including: upper and lower tier planning; strategic planning; and requirements of municipal official plans.

City Council, in February 1992, in response to the Commission's goal setting exercise, recommended the Commission:

"provide more direction, through the Planning Act, on the official plan's purpose and philosophy, minimum requirements, specific matters to be addressed, degree of specificity, and relationship to the budget process, and other regulatory documents;"

The Commission suggests that legislation be introduced to identify specific principles and minimum content requirements to guide the preparation of municipal plans and land-use policy documents. It is intended to assist municipalities to plan effectively and monitor the results of their plans with a reasonable degree of consistency.

Guidelines on the scope and nature of municipal plans is provided. Upper-tier plans should include a variety of policies ranging from environmental concerns, to issues of settlement patterns and population and employment distribution, to supporting infrastructure such as water and sewage. Lower-tier plans may address many of the same matters in more detail, as well as other land-use planning matters that the lower-tier deems appropriate. This can be supported providing the upper tier policies stay within their jurisdiction and do not infringe on matters of local jurisdiction. This point was made in the City's previous submission in February, 1992, and should be re-affirmed at this point as follows:

The City re-affirm its position that planning should be done at the local level of government closest to the public and therefore more accountable. Therefore, upper tier municipalities should be responsible for developing policies for matters only within their jurisdiction.

In addition, comprehensive 'state of the environment' reports are proposed for both tiers at least every five years, with more important changes recorded through monitoring every two years. In reviewing the Commission's proposed plan content, there is a heavy emphasis on environmental responsibilities, with little or no mention of social, economic, transportation or infrastructure planning. In addition, the preparation of 'state of the environment' may be well beyond the resources of many municipalities. In this context, the City relies on the Region to prepare such reports. On this basis, the Commission should:

Provide more emphasis on planning for social and economic change, and on transportation and infrastructure planning in the list proposed for required contents of upper and lower tier plans. In addition, the proposal to have 'state of the environment' reports prepared should not be mandatory for lower-tier municipalities, where such reports are prepared by the upper-tier.

ENVIRONMENT

The Commission makes several recommendations intended to integrate natural environment considerations into the planning process.

The importance of identifying and mapping environmental resources is emphasized. However, the Commission is not always clear on who is responsible for these activities. For this reason, the Commission should:

Recommend that the Province take the lead in defining and developing a geographical information system(s) that would meet the needs and be accessible to the municipalities for environmental data.

Contaminated soils is mentioned as an area for mandatory study and policy in municipal plans. City Council recently approved modifications to Official Plan Amendment No. 80 (Major Five Year Review) which recognized the Province's regulations with the respect to decommissioning contaminated sites, and supported withholding development approval until the Ministry of Environment advises that their regulations have been satisfactorily met. In this respect, it is appropriate for a municipality to recognize the Province's authority, however it is the responsibility of the Province, who has the resources and the authority to put the onus on the developers to prove their land is not contaminated prior to commencing construction. In this regard, the Commission should:

Recommend that the Province take a leadership role regarding the issue of contaminated soils.

The Commission addresses the relationship between the Environmental Assessment Act and the Planning Act. Questions of need and alternatives must be addressed by municipalities when preparing their municipal plans or through the preparation of an infrastructure plan. On this basis, infrastructure should be designed to have the least negative, or most beneficial, impact on the natural environment. The Commission proposes a standard procedure called the Infrastructure Design and Mitigation Process for projects which are recurring, similar in nature, limited in scale, having a predictable range of environmental effects, and responsive to standard mitigation measures. The process would ensure that alternative design and mitigation measures are considered. Projects not meeting the above characteristics, would be subject to the Environmental Assessment Act.

These proposals seem to address some of the concerns surrounding the current process however, the Commission should:

Provide details regarding which legislation the Infrastructure Design and Mitigation Process falls under; the official status of the proposed transportation and infrastructure plans; and, how and when a project becomes subject to the Environmental Assessment Act.

The discussion paper makes recommendations regarding Conservation Authorities and watershed planning. The paper seems to suggest that CA's or municipalities would do watershed studies or plans which would form the basis for official plan policies. More detailed, sub-watershed plans or studies would be required when areas begin to experience either decreased levels of water quality or increased development pressure. Innovative approaches to funding sub-watershed studies or plans would be encouraged. These proposals can be supported and are consistent with recent watershed planning undertaken by the Region however, the Commission should:

Clearly identify who is responsible for watershed plans, the difference between watershed studies and watershed plans, and funding responsibilities.

DEVELOPMENT

The Commission presents "Ideas for Change" for six major areas of Development Control including: site plan control; development permits; sewage and water capacity questions; bonus and transfers of density; standardizing procedures; and, site alterations.

City Council, in its response to the Commission's goal setting exercise in February 1992, recommended the Commission:

investigate creative ways to improve the development process such as: modifying the notification requirements for Official Plans to be consistent with zoning by-laws; allowing for conditional approvals (e.g. zoning, site plan approval) with a time limit; introducing a time limit for submissions of appeals where Council denies an application; allowing for conditional uses subject to fixed rules/criteria; giving circulated agencies, particularly the Provincial departments, a specific time period to comment on applications; accountability for decisions should be at the lowest level (i.e. Council) with fewer referrals to the Ontario Municipal Board (only where there is a declared Provincial interest); delegating approval process for minor applications (e.g. conversion, parking lots) by a sub-committee or appointed municipal representative;

The Commission can be commended for proposing some "creative ways to improve the development process" as noted below, however the specific areas noted in the City's previous submission still of concern and merit serious consideration. On this basis, the Commission should:

Continue to investigate creative ways to improve the development process as stated in the City's submission in February, 1992.

Site Plan Control

The Commission states that "...since site plan matters are questions of detail, the public should not generally be involved. The public should be involved with respect to urban design guidelines for areas, districts or streets. Details of how the policy is applied should, in general, be left to staff."

On this basis, the Commission proposes that Councils be encouraged to develop design guidelines for specific areas, or all the municipality (with full public consultation), and that these guidelines be incorporated into the official plan. With these in place, approvals of site plans can be delegated by councils to staff in most instances and public involvement would be limited to cases which conflicted with the approved guidelines. The major drawback to these proposals is that many municipalities lack the expertise and resources (financial and otherwise) to prepare such guidelines.

Other proposals the Commission makes with respect to site plan control include:

- approvals should not be expanded to include colour, texture, type of materials, window or architectural detail;
- decisions regarding site plan control can be appealed by the applicant or by the upper-tier municipality (where the upper-tier has adopted urban design guidelines), where there are approved design guidelines;
- site plan agreements can include off-site conditions related directly to the proposal;
- Council's should be permitted to secure, by agreement:
 - any requirement regarding phasing, transfer of density, mandatory uses, infrastructure, etc. if authorized by municipal or provincial policy; and,
 - conditions necessary for environmental protection and improvement (storm water management, site alterations, noise, light); and,
- councils should be permitted to terminate conditions set out in site plan agreements and such decisions could be appealed to the OMB.

In principle, these proposals can be supported. The Urban Design Committee may be the appropriate vehicle to initiate design guidelines. From a practical viewpoint, density and uses are regulated under the zoning by-law at the present time. In terms of the agreements the Commission is proposing that councils secure, clarification is required as to:

Whether regulations such as density and uses would fall under site plan control as opposed to the zoning by-law.

Development Permits

The Commission proposes that the Planning Act be amended to permit Council to develop guidelines which set the boundaries for acceptable development (e.g. permitted uses, low as-of-right density and an upper density), within which staff would have as much flexibility as possible, to reach an agreement with the developer as to the appropriate building for a particular site. Cities including Edmonton and Vancouver have used this technique with some success. This approach could expedite approvals, while providing mechanisms to ensure that public objectives are achieved and the conditions and peculiarities of a particular site are considered. This proposal is consistent with City Council's previous recommendations to "Investigate creative ways to improve the development process".

Bonusing and Transfers of Density

The Commission proposes to prohibit ad hoc bonusing and instead allow councils to set general policies permitting bonuses in return for stated public benefits provided such benefits are available to all applicants who meet the criteria. The City already has specific policies in the Official Plan regarding bonusing provisions.

With respect to density transfers, the Commission proposes general policies in the official plan dealing with the purposes and criteria and geographical limits. While the City does not use density transfers, this proposal has merit to ensure consistent application of density throughout a municipality.

Standardizing Procedures

The Commission makes some suggestions for standardizing procedures to improve notification and appeals provisions of development approvals including concurrent processing of plans, plan amendments and rezoning. The City has done this for a number of years in the interest of expediting planning approvals.

Site Alterations

The Commission proposes a number of discretionary tools to enable a municipality to control alterations to sites. In this regard, it is suggested that municipalities:

- be given the authority to regulate tree cutting, changes in elevation, dumping and removal of top soil, etc.;
- be able to designate areas in the official plan with different levels of control and define, and protect topographical features; and,
- be able to set interim control in particular areas to control tree cutting and other site alterations in anticipation of new rules.

There have been cases in the past where the proposed controls would have enabled the City to retain unique features (trees, watercourses, etc.) where they would not have been otherwise protected (e.g. designated Environmentally Sensitive Area).

Minor Variances

The Commission proposes to reduce the time and energy spent on minor variances. These include:

- where there is no prior objection, the Committee of Adjustment decision should not be subject to appeal; and,
- Council delegation to staff approval of variances of up to ten percent for existing buildings and structures from setbacks, height, angular planes, density, loading spaces, parking, recreation, and open space. Appeals to the Committee of Adjustment can be made where staff deny an application.

In principle, these measures can be supported, however the Commission should:

Ensure, where there is no objection, that removal of the 30 day appeal period does not circumvent due process.

Preconsultation

The Region, in responding to this latest Sewell Commission publication, recommends:

Define a process for pre-consultation and identify circumstances in which municipalities can require developers to engage in pre-consultation, prior to submitting a development proposal.

The Commission does not address the matter of pre-consultation in the development approvals process. The Region has identified a number of advantages to pre-consultation: providing information on how the project fits with municipal plans; consulting with the community prior to submitting a proposal; and, streamlining the process by resolving issues in early stages of the process. The City currently has an informal pre-consultation process through its bi-weekly staff meetings on various proposals received as inquiries as well as client meetings early on in the process. The question of making this a formalized part of the process has merit and may be considered in more detail.

DEVELOPMENT STANDARDS

The matter of development standards is dealt with in some detail by the Commission. Three reasons are given as to why development standards are considered important;

- their substantial impact on the form of development and on the natural environment;
- implementation of development standards is expensive; and,
- developers feel they have no choice but to meet municipal standards otherwise they risk serious delays.

To address this issue, the Commission proposes that a Development Standards Committee be established by the Ministry of Municipal Affairs comprised of 20 people from various affected sectors. The purpose of this Committee would be to recommend standards for: roads and sidewalks; infrastructure; buildings; and, parks and recreation. The standards would not be made mandatory, however after two years time, the Committee should consider making a recommendation to the Minister on whether they should be mandatory or maintain their guideline status. The Commission's approach on this issue can be supported.

CONCLUSION

The Commission's discussion paper provides a reasonable framework for addressing some of the problems with the current planning system. However, the proposals are often vague, confusing or repetitive. The content and organization of proposals must be strengthened or clarified if they are to have the desired results.

CITY OF HAMILTON
- RECOMMENDATION -

5.
RECEIVED

OCT 28 1992

CITY CLERKS

DATE: 1992 October 28
ZA-92-30
Mewburn Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for modification in zoning - 1468 and 1478 Upper James Street.

RECOMMENDATIONS:

- A. That Zoning Application 92-30, Mr. & Mrs. E. Ciardullo, owners, requesting modifications to the "AA" (Agricultural) and "C" (Urban Protected Residential, etc.) Districts to permit the temporary use of land for a garden centre/nursery and related uses, for lands municipally known as No. 1468 and 1478 Upper James Street, shown as Blocks "1" and "2" on the attached map marked as Appendix "A", be DENIED for the following reasons:
- i) The proposal conflicts with the intent of the approved Mewburn (East) Neighbourhood Plan.
 - ii) The proposal to use the entire site, even on a temporary basis, may jeopardize the establishment of the mid-block collector road and future assembly/development of the lands for their intended use.
 - iii) Development of the subject lands on the south side of the proposed mid-block collector road is considered premature pending either consolidation with adjoining lands or submission of a plan showing how the lands could be developed on a comprehensive basis.
- B. That approval be given to amended Zoning Application 92-30, Mr. & Mrs. E. Ciardullo, owners, for modifications to the "AA" (Agricultural) and "C" (Urban Protected Residential, etc.) Districts to permit the temporary use of land for a garden centre/nursery and related uses for property municipally known as No. 1468 Upper James Street, shown as Blocks "A" & "B" on the attached map marked as Appendix "C", on the following basis:
- i) That the "AA" (Agricultural) District regulations as contained in Section 7A of Zoning By-law No. 6593, and the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified in accordance with Section 38 of the Planning Act, R.S.O. 1983, to permit the temporary use of the lands for a garden centre/nursery and related uses for a period of three years from the day of passing of this By-law, subject to the following special provisions:

- a) That notwithstanding Sections 7A(1) and 9.(1) of Zoning By-law No. 6593, a business identification sign shall be permitted in accordance with the requirements of Section 13.1(xv) of By-law No. 6593;
 - b) That a minimum 6.0 m wide landscaped planting strip shall be provided and maintained along the westerly lot line of Block "A";
 - c) That a visual barrier not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the westerly lot line of Block "A";
 - ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on W-9D be notated S- :
 - iii) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W-9D for presentation to City Council;
 - iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- C. That By-law 79-275, as amended by By-law No. 87-223, be amended by adding Blocks "A" and "B" as shown on Schedule "C", to Schedule "A".
- D. That the amending By-law not be forwarded for passage by City Council until such time as the owner has entered into modified subdivision agreements with the City and the Region which will include the dedication of the neighbourhood mid-block collector street and daylight triangles to the City of Hamilton, and provide for the recovery of servicing costs to both the City and the Region for the street; and the owner applies for and receives site plan approval.

EXPLANATORY NOTE:

The purpose of this by-law is to provide for modifications to the "AA" (Agricultural) District and the "C" (Urban Protected Residential, etc.) District regulations applicable to property located at No. 1468 Upper James Street shown as Blocks "A" and "B" on Appendix "C".

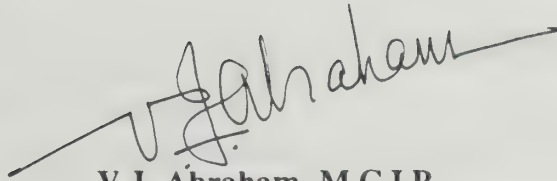
The effect of the by-law is to permit the temporary use of the lands for a garden centre/nursery and related uses for a period of three years from the date of passing of the by-law.

In addition, the by-law provides for:

- A business identification sign in accordance with the requirements of Section 13.1(xv) of By-law No. 6593;
- A minimum 6.0 m wide landscaped planting strip to be provided and maintained along the westerly lot line of Block "A";
- A visual barrier not less than 1.2 m and not more than 2.0 m in height to be provided and maintained along the westerly lot line of Block "A".



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant is proposing to use the subject lands (Blocks "1" & "2" on Appendix "A" attached) for a garden centre/nursery and related uses on a "temporary" basis for three (3) years in accordance with Section 38(1) of the Planning Act. At the present time, the applicant is operating the business on lands to the south of the subject lands at Nos. 1514 Upper James Street which has been rezoned (ZA-89-22 & 23) to permit commercial and neighbourhood commercial development fronting onto Upper James Street. To-date, no development has taken place. The applicant must relocate to another site upon receiving notice to vacate. The site in question is to be used on an interim basis until a permanent location can be found.

APPLICANT:

Mr. & Mrs. E. Ciardullo, owners.

LOT SIZE AND AREA:

The subject lands have:

- a frontage of 62.76 m (205.09 feet) on Upper James Street;
- a depth of 152.45 m (500.17 feet); and,
- a lot area of 9,567.76 m². (2.3 ac).

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Single family dwelling and vacant lands	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District

Surrounding Lands

to the north	Single-family dwelling and vacant lands	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District
to the south	Used car lot	"C" (Urban Protected Residential, etc.) District modified
to the east	Vacant	"C" (Urban Protected Residential) District
to the west	Vacant	"AA" (Agricultural) District

OFFICIAL PLAN:

The subject lands are designated "Commercial" on the Upper James Street frontage and "Residential" to the rear on Schedule "A" - Land Use Concept of the Official Plan. In addition, the subject lands are within Special Policy Area 31, 31b and 31c on Schedule "B" - Special Policy Areas. The following policies apply:

- "A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.

- A.2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:
 - ii) Larger scaled "Highway" Commercial uses on deep lots, reliant on locations readily accessible to private vehicles specifically coming to, and parking on, the premises to do business.

- A.2.9.3.26 In keeping with the provisions of Subsection 2.2 - Commercial Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 31, (which includes 31a, 31b and 31c), and designated "Commercial" on Schedule "A" the following will apply:
 - i) The Upper James Street frontage is recognized as a highway-oriented Commercial area which will include a diversity of retail and service uses catering not only to the travelling public, but to the daily needs of the adjacent neighbourhoods.
 - ii) In keeping with Clause i) above, three sub-areas are identified to provide the following uses within the SPECIAL POLICY AREA:
 - b) in AREA "31b", retail/warehouse uses will be permitted in keeping with Policies A.2.2.16 and A.2.2.18; and,

- iii) In accordance with Subsection D.2., the preparation of Neighbourhood Plans in this AREA will consider the following:
 - a) the location of a mid-block Collector Road between Stone Church Road and Rymal Road;
 - b) the extent of Commercial, mixed Commercial/Residential uses, retail/warehouse uses and neighbourhood-based retail and service uses;
 - c) lot depth, lot frontages and building setbacks to effectively accommodate the appropriate on-site parking, circulation and ingress and egress;
 - d) the location of access points between adjacent uses and to the road;
 - e) utilizing shared access and/or parking facilities with adjacent developments; and,
 - f) utilizing service roads, cul-de-sacs or other appropriate means to reduce the number of individual access points.
- iv) Design guidelines will be prepared in conjunction with the Neighbourhood Plan to detail such matters as, but not limited to:
 - a) minimizing potential conflicts between the Commercial uses fronting on Upper James Street, and the Residential uses within the Neighbourhood, by establishing an appropriate buffer or transitional area which may include landscaping, berming and/or fencing;
 - b) providing guidelines to enhance the visual amenity of the Upper James Street frontage; and,
 - c) ensuring in AREAS 31c compatibility with adjacent Residential uses, pedestrian access to and from the abutting Neighbourhoods and, continuous pedestrian linkage between commercial developments.
- v) To ensure a co-ordinated approach in the development of SPECIAL POLICY AREAS 31, 31a, 31b and 31c, and to enhance Upper James Street as a viable Commercial area, proponents of development or redevelopment will be encouraged to co-operate with adjacent property owners regarding such matters as, access, parking, architectural quality and design, and landscaping.
- vi) In accordance with Policy D.2.2, Multi-Centre uses will be permitted in the vicinity of Upper James Street and Stone Church Road. Accordingly, Multi-Centre uses such as, Institutional, recreational and medium density Residential uses will also be permitted in addition to Commercial uses.

- A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:
- iv) Limited individual or groups of commercial uses on sites not exceeding .4 hectare in area, excluding Automobile Service Stations, in accordance with the Local Commercial Uses and General Provisions set out in Subsection A.2.2 of this Plan.
- D.3.8 In accordance with The Planning Act, Temporary Use By-laws may be used to permit the use of lands, buildings, or structures, on a temporary basis, for any purpose as may be specified in the said By-law. The provisions of The Planning Act regarding timing and extensions to such By-laws will apply."

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated in part "Neighbourhood Commercial" (the Upper James Street frontage) and in part "Attached Housing" (rear lands) on the approved Mewburn (East) Neighbourhood Plan. The approved Plan also establishes a neighbourhood road through the centre of the subject property and establishes a 6.0 m (20.0 ft.) wide planting strip between the lands designated "Neighbourhood Commercial" and "Attached Housing" (see Appendix "B").

In addition, the site in question is subject to the Upper James Street Corridor - Urban Design Guidelines. In this regard, development of the subject lands and adjoining lands is limited to Neighbourhood Commercial Uses such as retail and service uses, including convenience stores, personal services, professional offices, and non-highway commercial uses. The Urban Design Guidelines also establish the criteria for building design in terms of style, height, minimum frontage and depth of property, parking and open space. Given the temporary nature of the proposal, an amendment is not required.

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority has no objection to the proposal.
- The Building Department advises:
 - "1. The use is not allowed in either the "AA" or "C" zones."

- The Traffic Department advises:

"The proposed zoning appears to be satisfactory for a temporary use. However, we are concerned about a precedent being set allowing for the expansion of the commercial zoning in this area. Half of this site is designated for attached housing in the Mewburn (East) Neighbourhood Plan and we would prefer this zoning be adhered to in a permanent use."

- The Hamilton-Wentworth Roads Department advises:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

The designated road allowance width of Upper James Street is 36.58m (120 ft.). As a condition of development approval we require that sufficient land be dedicated to the Region to establish the property line 18.29m (60 ft) from the centreline of the original Upper James Street road allowance. According to our records this road widening is approximately 3.048m (10 ft.) in width.

In the absence of any details shown, we advise that any works which may occur within the Upper James Street road allowance, as widened, must conform to the Region's Roads Use By-law. Should the application be approved, we recommend that these lands be developed through site plan control in order to provide specific comments on access location, design, landscaping, grading, setbacks etc.

The City of Hamilton Traffic Department is to comment on access location and design. As a condition of development approval, we recommend that the mid-block collector street be established and constructed to its full width to provide for access to the lands to be rezoned commercial.

According to the Mewburn Neighbourhood Plan, the subject lands are partially designated for internal mid-block collector street purposes. This street is shown in its approximate location on the attached plans. Therefore, as a condition of approval, we recommend that the owner enter into modified subdivision agreements with the City and Region which will include the dedication of the neighbourhood mid-block collector street and daylight triangles to the City of Hamilton and provide for the recovery of servicing costs to both the City and Region for the street. This mid-block collector street must align centreline to centreline with the mid-block collector on the east side of Upper James Street as shown on Expropriation Plan No. 9535.

We also recommend that these lands be developed with access to Upper James Street and the mid-block collector street.

The future widening and reconstruction of this section of Upper James Street will include the construction of raised concrete median islands on Upper James Street which will restrict direct access to Upper James Street.

According to our records, the rear portion of the lands to be rezoned are designated for attached housing and these lands should be developed accordingly. It is our concern that the temporary zoning of these lands may discourage the overall orderly development of the neighbourhood land uses and the establishment of the mid-block collector street."

COMMENTS:

1. The proposal to permit a garden centre, nursery and related uses as a temporary use under Section 38(1) of The Planning Act, R.S.O. does not conflict with the intent of the Official Plan.
2. The proposal conflicts with the intent of the approved Mewburn (East) Neighbourhood Plan. In this regard, only the front portion of the site (see Appendix "B") is designated "NEIGHBOURHOOD COMMERCIAL", whereas the rear portion is designated "ATTACHED HOUSING", a mid-block collector road is proposed through the centre of the site, and a 20' wide planting strip is required between the residential and commercial designations. The proposal to use the entire site, even on a temporary basis, conflicts with the Neighbourhood Plan designations, it may jeopardize establishment of the mid-block collector road and future assembly/development of the lands for their intended use.

Furthermore, development of the subject lands on the south side of the proposed mid-block collector road is considered premature pending either consolidation with adjoining lands or submission of a plan showing how the lands could be developed on a comprehensive basis.

On the basis of the foregoing, the application as submitted cannot be supported. However, consideration can be given to an amended application to permit the temporary use of land for a garden centre/ nursery and related uses only on the northerly front portion of the site (Blocks "A" & "B" on Appendix "C"). In this regard, temporary use of the subject lands would not preclude assembly or comprehensive development with the adjoining lands to the north for their future intended commercial use.

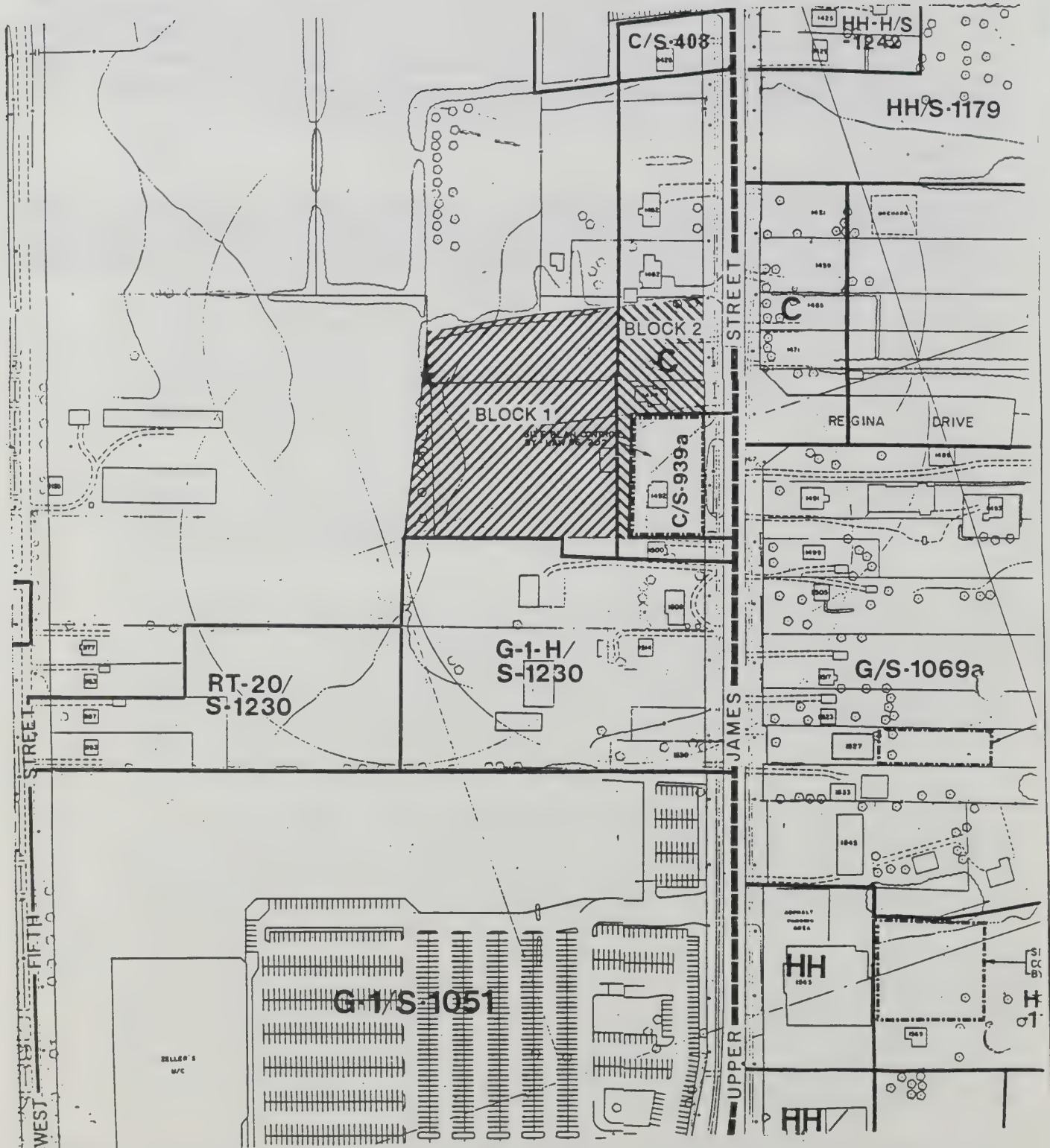
3. As recommended by the Roads Department, approval of the application should be conditional on the owner entering into modified subdivision agreements with the City and Region which will include the dedication of the neighbourhood mid-block collector street and daylight triangles to the City of Hamilton, and provide for the recovery of servicing costs to both the City and the Region for this street.
4. The applicant has not indicated the need for a sign advertising the business at this location. Accordingly, it is suggested that the amending By-law include the sign provisions of the "G" (Neighbourhood Shopping Centre) District (Section 13.(1)(xv)) which would be applicable to any future neighbourhood commercial development. This would allow for a business identification sign that is a wall sign of an occupancy or use.
5. As required by the Mewburn (East) Neighbourhood Plan a minimum 6.0 m (20.0 ft.) wide planting strip should be provided and maintained along the westerly lot line of Block "A" (APPENDIX "C"). In addition, a visual barrier not less than 1.2 m in height and not more than 2.0 m should also be provided and maintained.

6. In order to further regulate the development of the proposed garden centre, nursery and related uses, it would be appropriate to place the lands under Site Plan Control By-law No. 79-275 as amended by By-law No. 87-223. In this regard, matters such as access, road widenings, landscaping, fencing, grading, parking, signage, etc. including the Urban Design Guidelines will be further reviewed at the site plan stage of development.

CONCLUSIONS:

On the basis of the foregoing, the application as submitted cannot be supported. However, consideration can be given to an amended application to permit the temporary use of Blocks "A" & "B" on Appendix "C" for the proposed uses in accordance with Section 38(1) of The Planning Act, R.S.O.

GAW/ma
ZA9230



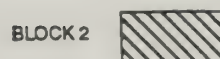
Legend

Proposed modification to the established:



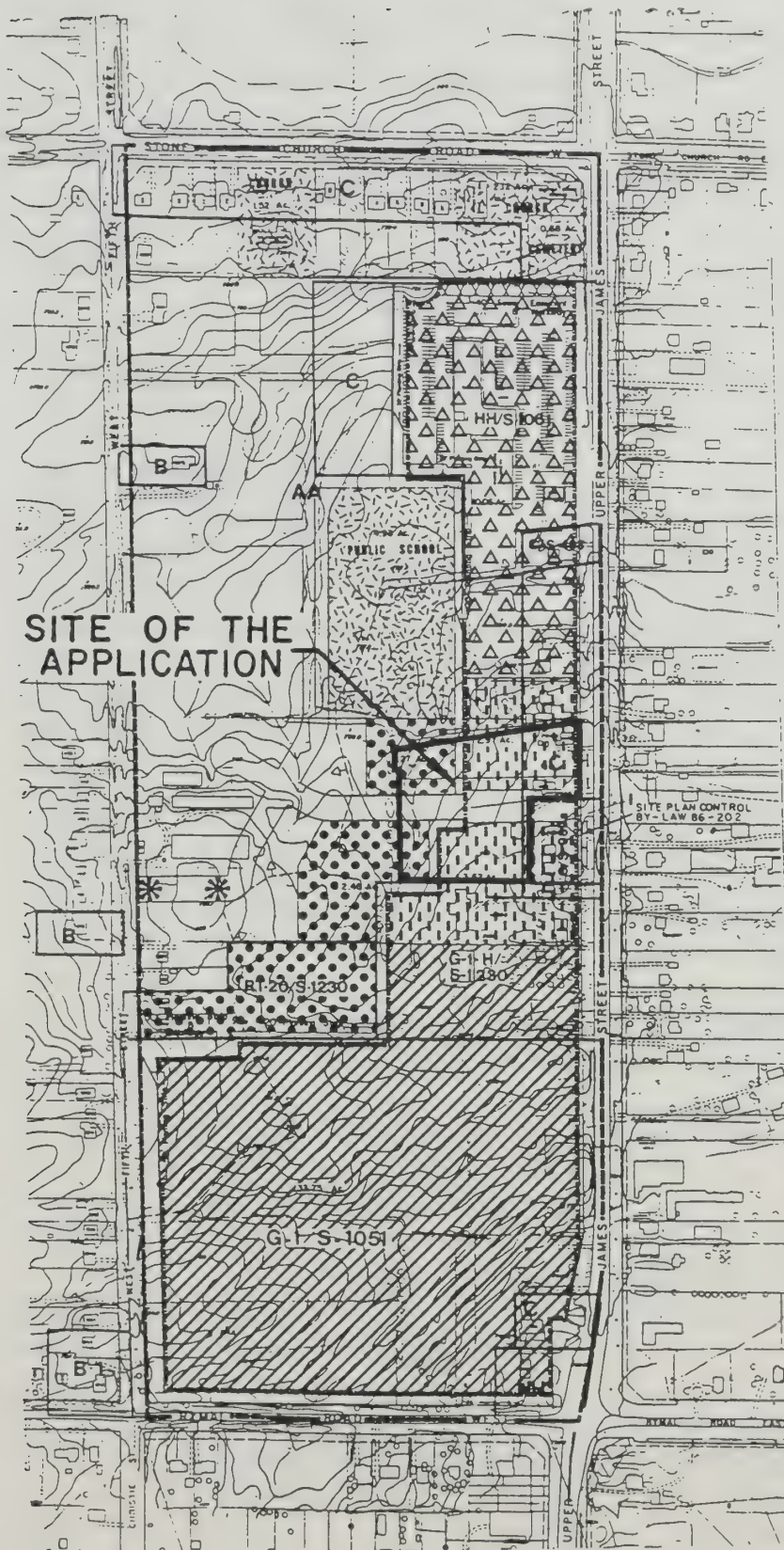
BLOCK 1

"AA" (Agricultural) District regulations.



BLOCK 2

"C" (Urban Protected Residential, etc.) District regulations.



Note: This is a GUIDE only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.

LEGEND :

- CITY OF HAMILTON EXISTING PARK LAND SITE
- BOARD OF EDUCATION FOR THE CITY OF HAMILTON EXISTING SCHOOL SITE
- - - LIMIT OF DRAINAGE AREA
- AREA SUBJECT TO URBAN DESIGN GUIDELINES
- ** LOCATION OF PROPOSED ROAD DEFERRED

EXISTING POPULATION (1985) 166

LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial and apartments

- ▨ COMMERCIAL
- △△ COMM. RETAIL WAREHOUSE
- ▨ NEIGH'D COMMERCIAL
- ▨ PARK & RECREATIONAL
- OPEN SPACE
- ▨ UTILITIES
- ▨ CIVIC & INSTITUTIONAL

- Neighbourhood Boundary
- Zoning Boundary

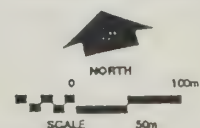
Approvals

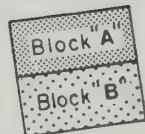
Planning Committee JUNE 24, 1987 Council JULY 28, 1987

Latest Revision Date FEBRUARY 08, 1988

CITY OF HAMILTON
Planning Department

MEWBURN (EAST)
APPROVED PLAN





Legend

Proposed Modification to the established "AA" (Agricultural) District Regulations
Proposed Modification to the established "C" (Urban Protected Residential, etc.)
District Regulations

6.

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

OCT 28 1992

CITY CLERKS

DATE: October 27, 1992
ZA-92-36
Beasley Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a modification in Zoning - No. 217 Cannon
Street East.

RECOMMENDATION:

That approval be given to Zoning Application 92-36, 952517 Ontario Ltd. (Mike Anderson, owner), requesting a modification to the "H" (Community Shopping and Commercial, etc.) District, to permit the development of the subject lands for a four (4) bay coin-operated car wash and mechanical car wash in conjunction with a proposed restaurant and variety store with an accessory office, for the property located at 217 Cannon Street East, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That By-law No. 79-152 and By-law 84-228 be repealed in their entirety;
- ii) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14.(1) of Zoning By-law No. 6593, applicable to the subject property be modified to include the following variances as special requirements:
 - a) That notwithstanding Section 14(1) of Zoning By-law No. 6593, the following commercial uses shall be permitted;
 - (1) a coin-operated manual car wash having not more than four (4) bays; and,
 - (2) a mechanical car wash.
 - b) That notwithstanding Section 18(3)(ivc)(a) of Zoning By-law No. 6593, every building and structure shall be distant at least 4.5 m (14.76 feet) from the boundary of a residential district;
 - c) That a minimum 1.5 m wide landscape planting strip shall be provided and maintained along the southerly and easterly lot lines, except for any area used for vehicular access;

- By-law No. 84-228

On October 30, 1984, City Council passed By-law 84-228 to further amend the "H" District provisions applicable to the subject lands to permit additional commercial and industrial uses to the "H" District uses, and the uses permitted as per By-law 79-152.

The By-law also established additional requirements respecting building height, lot coverage, landscaping and fencing, parking, loading, outside storage, lighting, and signs if development or redevelopment of the site had taken place.

- Site Plan Control Application DA-92-37

The applicant has submitted a Site Plan Control Application DA-92-37 for a commercial development which proposes uses presently permitted under the current zoning of the subject property, "H" (Community Shopping and Commercial, etc.) District.

The application was received and circulated for department and agency comment on August 5, 1992, but has yet to be approved.

LOT SIZE AND AREA:

- 93.0 m (305.11 ft.) of lot frontage on Wellington Street North;
- 31.0 m (101.70 ft.) of lot depth; and,
- 3 052.0 m² (32,852.529 sq.ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	occupied by vacant two(2) storey industrial/commercial building	"H"(Community Shopping Commercial, etc.) District, modified
<u>Surrounding Lands</u>		
to the north	one, two, and three family dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District
to the south	a parking lot, multiple dwellings, and a hotel	"H" (Community Shopping and Commercial, etc.) District

to the east	a service station, one two and three family dwellings	"H" (Community Shopping Commercial, etc.) District, and "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District
to the west	vacant automobile sales and service outlet	"H" (Community Shopping Commercial, etc.) District

OFFICIAL PLAN:

The subject lands are designated *Central Policy Area* on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

"A.2.8.1 To promote the CENTRAL POLICY AREA as a multi-use node for both the City and the Region, a wide range of uses will be permitted where compatibility among adjacent uses can be achieved. The primary uses permitted in the CENTRAL POLICY AREA, as shown on Schedule "A", will be for the following uses:

- i) Commercial Uses such as, but not limited to, retail department stores; food, specialty and general merchandising establishments; personal services; head and branch offices and public administration offices; hotels; mixed commercial and residential uses; and in keeping with the Commercial policies set out in Subsection A.2.2 of this Plan;

A.2.8.2 The location of uses permitted within the CENTRAL POLICY AREA will be identified and detailed through the preparation of a Neighbourhood Plan."

In addition, policies from Subsection A.2 - Commercial Areas should be noted:

"A.2.2.2 Council recognizes that the COMMERCIAL structure of the City operates within a hierarchy of categories ranging from the Central Policy Area (which, as defined by the Regional Official Plan, is intended to function as the "Regional Centre"), to Local Convenience Commercial Uses. Except for the Central Policy Area and Sub-Regional Centres, the hierarchy is not designated on Schedule "A" to this Plan. The location and distribution of such categories will be identified through Neighbourhood Plans as set out in Subsection D.2.

A.2.2.4 The Central Policy Area will be promoted as the principal retail, business and service centre in the Region, and in the context of the overall COMMERCIAL structure of the City. Accordingly, the Central Policy Area will be considered to be the preferred location for the major concentration of COMMERCIAL USES in the City and in the Region. Policies for the Central Policy Area are detailed in Subsection A.2.8.

A.2.2.34 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:

- i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;
- ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses; and,
- iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses.

A.2.2.35 The size of advertising, identification or other promotional signs and devices will be regulated by appropriate by-laws in order to avoid conflicts with effective traffic control and the general amenity of the area."

The proposal conforms with the intent of the Official Plan provided policies A.2.8.1, A.2.2.34 and A.2.2.35 are satisfied.

NEIGHBOURHOOD PLAN:

The lands are designated "COMMERCIAL" on the approved Beasley Neighbourhood plan. The proposal complies with the intent of the Plan.

RESULTS OF CIRCULARIZATION:

- The following Agency and Departments have no comment or objection:

- Hamilton Region Conservation Authority; and,
- CN Rail.

- The Road Department has advised that:

"There are public watermains and combined storm and sanitary sewers available to service these lands.

In conjunction with this application, the applicant has also submitted Site Plan Control Application DA-92-37. We have attached a copy of our comments on the site plan which are also applicable to conditions of approval of the zoning amendment."

- The Traffic Department has advised that:

"In response to your letter of 1992 August 17, please be advised that we have reviewed the above-mentioned application and find it satisfactory. Our concerns in regard to the plan submitted with this application will be identified under Site Plan Control Application DA-92-37."

- The Building Department has advised that:

- "1. The two (2) variances are correct as stated.
2. The garbage structure shown in the rear corner must have 18" setback from both lot lines.
3. Note that the applicant has specified Wellington Street North as the front yard."

- The Ministry of the Environment has verbally advised that they have no objection to the application. However, they recommend that acoustical attenuation measures be taken along the entire northerly property line to mitigate any potential noise from the proposed turbo wash (i.e., mechanical car wash) on the adjacent residential district.

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan and the approved Beasley Neighbourhood Plan.
2. The proposal has merit and can be supported for the following reasons:
 - i) the proposed four (4) bay carwash and mechanical carwash are less noxious and no less feasible than the commercial and industrial uses (i.e., manufacture of greeting cards, textile products manufacturing use, and warehousing) presently permitted on the site;
 - ii) it is suitably located at the intersection of two major arterial roads (i.e., Cannon Street East and Wellington Street North);
 - iii) it would be compatible with existing and future development in the area.
3. Based upon a preliminary site plan, approval of the application would require the following variance:

Building Setback

The applicant proposes to provide a 4.5 m minimum building setback from the northerly property line, whereas the By-law requires a 6.0 m minimum building setback from an adjacent residential district.

The variance can be supported since a 3.0 m minimum landscape planting strip and a minimum 1.2 m to 2.0 m high visual/acoustical barrier will be provided and maintained along the entire northerly lot line, which is intended to mitigate any potential negative spill over effects (e.g., noise, headlight glare) of the proposed carwash onto the adjacent residential district to the north.

4. The following special provisions should also be applied to mitigate any potential negative spill over effects (e.g., noise, headlight glare) of the proposed carwash onto the adjacent residential district to the west, and to enhance the Cannon Street East and Wellington Street North streetscape:
 - i) A minimum 1.5 m wide landscape planting strip along the southerly and easterly lot lines, except for any area used for vehicular access; and,
 - ii) A minimum 1.2 m to 2.0 m high visual barrier along the westerly lot line.
5. It should be noted that the property is subject to Site Plan Control By-law 84-229.

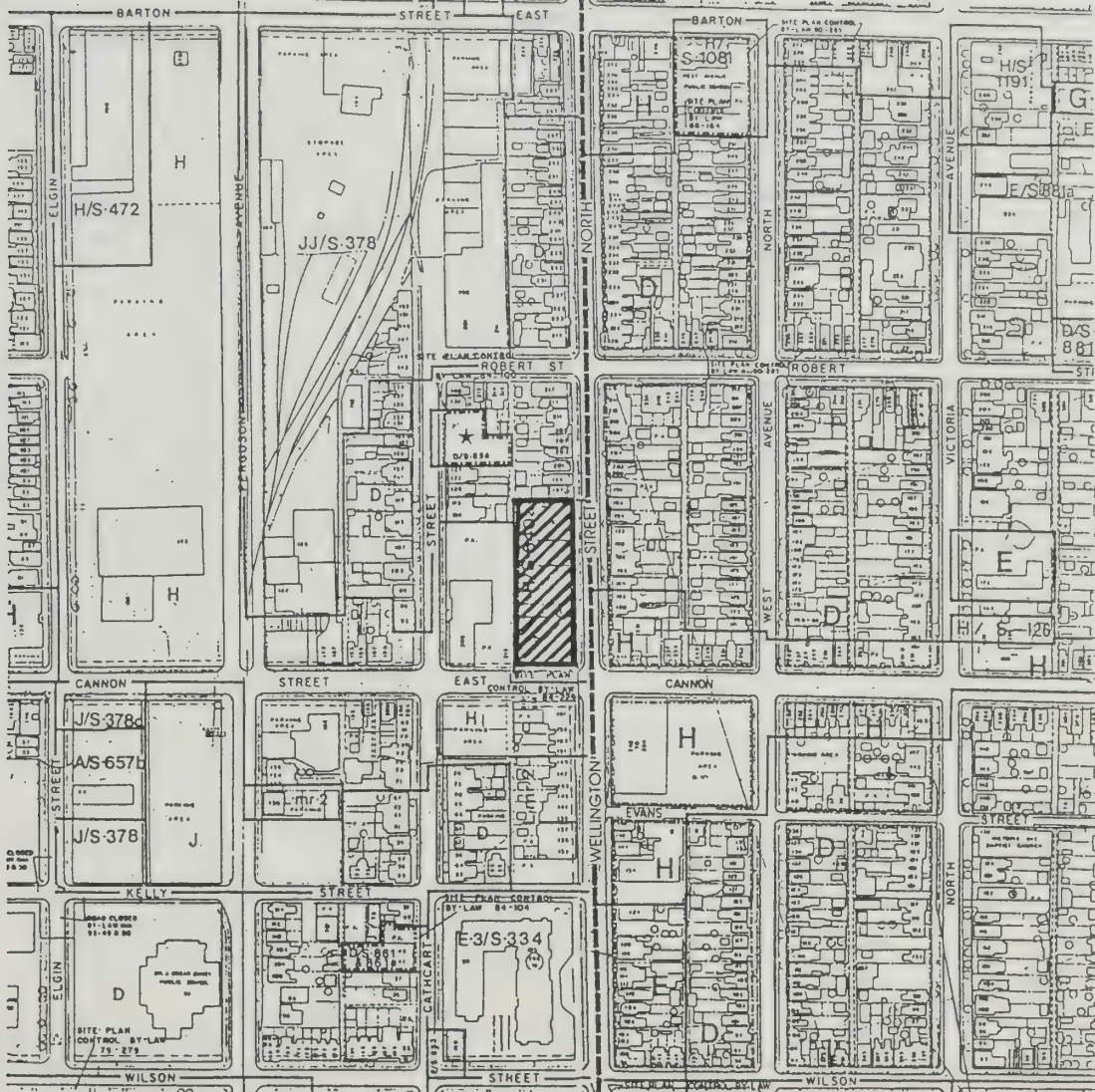
As previously mentioned (see BACKGROUND), the applicant has submitted Site Plan Control Application DA-92-37 for a commercial development which proposes uses presently permitted under the current zoning of the subject property, "H" (Community Shopping and Commercial, etc.) District.

However, should the application for the proposed mechanical car wash and a four (4) bay coin-operated car wash be approved, the applicant will be required to submit an amended Site Plan Control Application to include these uses and address matters related to access, parking, fencing, landscaping, etc.

CONCLUSION:

Based on the foregoing, the proposal can be supported.

JL/ma
WPZA9236



Legend



Site of the Application



APPENDIX A

"Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noe Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department and Alderman D. Drury, Chairperson, Planning and Development Committee - 1992 October 30"

6a)

Sept, 15 1992

Mrs. Valerie Rosati
197 Wellington St. N.
Hamilton, Ontario

L8L-5A6

SEP 24 1992

CITY CLERKS

Dear Sir,

My name is Mrs. V. Rosati and I live at 197 Wellington St. N. I have seen the sign you have put on the property at 217 Cannon St. E. It said they wish to change the zoning for this property and build a store and a car wash. I do not think it would be wise for we have got enough cars and long-large trucks turning at the corner of Wellington and Cannon. We have a lot of accidents at that corner and I think we do not need anymore traffic on this corner

SEP 28 1992

CITY OF HAMILTON	
DEPARTMENT OF BUILDINGS	
2A-92-36	
SEP 21 1992	
REC. BY	DATE
REF'D TO	DATE
REF'D TO	DATE
REF'D TO	DATE

Thank-you

Mrs. Valerie Rosati

SL 1

File number 2A-92-36

Applicant 952517 Ontario, Inc.

CITY OF HAMILTON
- RECOMMENDATION -

Tabled Pri
Subject P+D
to be brought
REC

AUG

CIT

7.

DATE: 1992 August 12
ZA-92-17
Trenholme Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a modification in zoning - No. 1123, 1131 and
1135 Stone Church Road East.

RECOMMENDATION:

That approval be given to amended Zoning Application 92-17, Mr. Chin Shee Shing and Mrs. Chin Nor Fai, owners, requesting a modification to the established "M-13" (Prestige Industrial) District regulations, to permit the construction of a 2 storey, 466 m² (5,020 sq. ft.) building containing a 300 seat banquet hall (basement level), a 150 seat restaurant (ground floor level), and an accessory apartment unit, (second floor), for property located at Nos. 1123, 1131 and 1135 Stone Church Road East, as shown on the attached map marked as Appendix "A", on the following basis:

- i) That the "M-13" (Prestige Industrial) District regulations as contained in Section 17E of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special requirements:
1. That notwithstanding Section 17E(1) (c) of By-law No. 6593, a restaurant and caterer including banquet facilities shall be permitted.
 2. That notwithstanding Section 17E(1) (e) of By-law No. 6593, an accessory dwelling unit which is incidental to the permitted restaurant use and located within the same building, shall be permitted.
 3. That Section 4. (3) (a) of By-law No. 6593 shall not apply to the two existing single-family dwellings, known municipally as Nos. 1131 and 1135 Stone Church Road East.

- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-59C be notated as S- .
- iii) That the City solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59C for submission to City Council.
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- v) That the Trenholme Neighbourhood Plan and the Mountain Industrial Area Plan be amended by redesignating the subject lands from "MULTI-CENTRE - CIVIC AND INSTITUTIONAL" to "MULTI-CENTRE - COMMERCIAL".

EXPLANATORY NOTE:

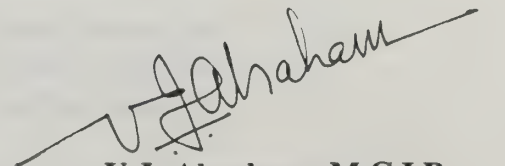
The purpose of the By-law is to modify the established "M-13" (Prestige Industrial) District regulations for property located at Nos. 1123, 1131 and 1135 Stone Church Road East , as shown on the attached map marked as Appendix "A".

The effect of the By-law is to allow the demolition of the existing dwelling known municipally as No. 1123 Stone Church Road East and the construction of a 2 storey building containing:

- a 300 seat banquet hall (basement level);
- a 150 seat restaurant (ground floor); and,
- an accessory apartment unit (second floor).

In addition, the By-law provides for a variance as a special requirement to allow the restaurant to be built on the same lot as two existing legal non-conforming single-family dwellings, known municipally as Nos. 1131 and 1135 Stone Church Road East.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department


V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The subject lands consist of three legal non-conforming dwelling units located on one lot. The proposal is to demolish the existing dwelling known as No. 1123 Stone Church Road East, and to construct a 2 storey, 466 m² (5,020 sq. ft.) building containing a 300 seat banquet hall (basement level), a 150 seat restaurant (ground floor), and an accessory apartment unit (second floor) for use by the owners of the restaurant.

The applicant wishes to retain the two remaining dwellings known as Nos. 1131 and 1135 Stone Church Road East, until such time as it is feasible to expand the restaurant/banquet business. In this regard, it is intended to eventually remove the two dwellings in order to expand the restaurant and banquet hall use.

- Surrounding Development

It should be noted that zoning modifications, to allow a variety of additional commercial uses, have been approved in the vicinity of the subject lands along Stone Church Road East. Specifically:

- **1175 Stone Church Road East (By-law 91-167)**
Modification to the "M-13" District to allow a number of additional commercial uses, including restaurants.
- **1185 Stone Church Road East (By-law No. 85-54)**
Modification to the "M-13" District to permit a miniature golf centre.
- **1221 Stone Church Road East (By-law No. 89-51)**
Modification to the "M-13" District to permit a car radio sales/installation establishment.
- **1249 Stone Church Road East (By-law No. 89-113)**
Modification to the "M-13" District to permit a number of additional commercial uses.
- **1120 and 1150 Stone Church Road East (By Law No. 89-205)**
Modification to the "M-14" District to permit a home design centre, containing numerous commercial uses.

- **1180 Stone Church Road East** (By-law No. 87-109)
Modification to the "M-14" District to permit a motor vehicle glass replacement shop and motor vehicle service.
- **1198 Stone Church Road East** (By-law No. 87-333)
Modification to the "M-14" District to permit an auto repair garage.
- "M" District Study

The "M" District Study does not propose to add restaurants to the list of permissible uses for the "M-12", "M-13", "M-14" or "M-15" (Prestige Industrial) Districts. It proposes to maintain restaurants within the "M-11" Districts only.

APPLICANT:

Mr. Chin Shee Shing and Mrs. Chin Nor Fai, owners.

LOT SIZE AND AREA:

- 73.30 m (240.50 ft.) of lot frontage on Stone Church Road East;
- 91.44 m (300.0 ft.) of lot depth; and,
- 6,702 m² (72,150 sq. ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	three single-family dwellings	"M-13" (Prestige Industrial) District
<u>Surrounding Lands</u>		
to the north	City of Hamilton Traffic Operations Centre	"M-13" (Prestige Industrial) District
to the south	commercial and industrial uses	"M-11" (Prestige Industrial) District and "M-14" (Prestige Industrial) District, modified

to the east	vacant	"M-13" (Prestige Industrial) District
to the west	vacant	"M-13" (Prestige Industrial) District

OFFICIAL PLAN:

The subject lands are designated "COMMERCIAL" on Schedule "A" - Land Use Concept Plan of the Official Plan. The following policies, among others, would apply:

- "2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities. In addition to the primary permitted uses, the following may be permitted within COMMERCIAL areas provided that they have been designated in the Neighbourhood Plan:
- i) Residential uses subject to the following provisions:
 - c) in the case of a Residential use ancillary to a COMMERCIAL USE, sufficient amenity space will be provided exclusively for the Residential component and be physically separated from the COMMERCIAL component and associated customer parking areas.
- 2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:
- ii) Larger scaled "Highway" Commercial uses on deep lots, reliant on locations readily accessible to private vehicles specifically coming to, and parking on, the premises to do business.
- A.2.2.15 Council recognizes EXTENDED COMMERCIAL areas as viable forms of Commercial development that satisfy the needs of certain businesses for visibility and accessibility.
- 2.2.19 Development within EXTENDED COMMERCIAL areas will be through infilling and redevelopment in order to consolidate the viability of these areas and to restrict their indiscriminate extension into stable areas of the non-Commercial uses. Such development will only be permitted where traffic and/or parking problems will not be created and subject to the approval of the Region."

In addition, the subject lands are designated as a "Multi-Centre" on Schedule G - Planning Units of the Official Plan:

"D.2.3 Developing or undeveloped PLANNING UNITS will be grouped to form "Communities", consisting of up to four (4) predominantly Residential Neighbourhoods and a "Multi-Centre", as indicated on Schedule "G". It is intended that the Multi-Centres will contain a variety of land uses, combining to create a vibrant and functional focus for community life. In this regard, within the Multi-Centre, Council will:

- ii) Ensure the integration of related community facilities, such as Libraries, Secondary Schools, Parks, churches or community centres, as well as multi-family residential development;
- iii) Encourage the development of land uses providing employment opportunities for residents of the community;
- iv) Promote designs which are oriented to the pedestrian, and to increased energy efficiency;
- v) Detail the distribution of land uses through NEIGHBOURHOOD PLANS, subject to necessary amendments to this Plan."

The proposal complies with the intent of the Commercial designation as well as the intent of the Multi-Centre policies.

NEIGHBOURHOOD PLAN:

The subject lands are designated "MULTI-CENTRE - CIVIC AND INSTITUTIONAL" on the Trenholme Neighbourhood Plan and approved Mountain Industrial Area Plan. The proposal requires a redesignation to "MULTI-CENTRE - COMMERCIAL".

COMMENTS RECEIVED:

- The Building Department has advised that:
 - "1. The classification of a Restaurant, licensed S.I.C. # 9211 or restaurant, unlicensed S.I.C. # 9212 are not permitted in a M-13 District.
 - 2. To have more than one principal building on a lot, when one building is used for residential purposes is not permitted.

3. The parking required for the restaurant is determined on the number of persons who may be lawfully accommodated.
4. Based on the total building area, one 3.7 m x 9.0 m x 4.3 m loading space is required.
5. Demolition approval of the existing residential building by the Planning and Development Committee under Demolition Control By-law is required.
6. Any signs are subject to the M-13 District provisions.
7. Detailed plans have not been submitted to determine compliance."

The following additional comments were received from the Building Department, based on a preliminary site plan:

- "1. Comments #1 and #2 in my letter of June 15th, 1992, are the same.
2. Our Department will establish the capacities of both uses. The parking will be based on the legal capacity, not the stated capacity by the owner. The proposed capacity of 450 persons for the restaurant and hall will require seventy-five (75) cars. Please inform the owner the basement will be calculated for the most stringent capacity which is loose chairs for a meeting, film night etc.
3. The three (3) residential units require four (4) parking spaces.
4. Comments numbered #4, #5, #6 and #7 in my letter of June 15, 1992 are the same."

- The Hamilton-Wentworth Roads Department - Development has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

The designated road allowance width of Stone Church Road is 30.48 m. In accordance with this designation, we recommend that as a condition of development approval that sufficient lands be dedicated to the Region to establish the property line 15.24 m from the centreline of the original Stone Church Road road allowance.

Any works which may occur within the Stone Church Road road allowance, as widened, must conform to the Region's Road Use By-law.

The Traffic Department is to comment on access design. We recommend that the subject lands be developed through site plan control and at that time we will provide detailed comments on grading, setback, landscaping, etc."

- The Traffic Department has advised that:

"If the ultimate design will necessitate the demolition of both properties, we would like to know what is being ultimately proposed after their removal to allow us to determine the suitability of driveway accesses, parking, loading, etc. for this site.

We recommend that the westerly driveway be flared evenly like the easterly driveway.

The pedestrian walkways and parking layout are satisfactory. We suggest that the two middle pedestrian walkways in the parking lot be a painted delineation instead of a raised island. This would facilitate vehicular movement and maintenance in the lot (i.e. snow removal).

The applicant has provided a 15.2 m x 3.66 m loading space on the east side of the parking lot. According to the Zoning By-law the loading space should be 18.0 m x 3.7 m. We recommend that the space be the required size and positioned where loading is most likely to occur."

- The Hamilton Region Conservation Authority, Hamilton-Wentworth Economic Development Department, Hamilton-Wentworth Roads Department - Special Project Office, and the City of Hamilton - Real Estate Division, have no comments or objections.

COMMENTS:

1. The proposal complies with the intent of the Official Plan.
2. The proposal requires an amendment to the Trenholme Neighbourhood Plan and Mountain Industrial Area Plan to redesignate the subject lands from "MULTI-CENTRE - CIVIC AND INSTITUTIONAL" to "MULTI-CENTRE - COMMERCIAL." It should be noted that the "CIVIC AND INSTITUTIONAL" designation was applied to this quadrant of the Multi-Centre, to reflect public owned lands to the north and west of the subject lands.
3. Restaurants are not anticipated to be added to the "M-13" District by the "M" Districts Review. However, the lands at the north-east corner of Upper Ottawa and Stone Church Road East are an exception because they are designated "Commercial" in the Official Plan and are designated Multi-Centre in the Trenholme Neighbourhood and Mountain Industrial Area Plans, whereas other "M-13" lands are designated by the Official Plan and Neighbourhood Plans for "Industrial" use.

4. The two existing single-family dwellings known municipally as Nos. 1131 and 1135 Stone Church Road East would remain on the subject lands. It should be noted that these are legal non-conforming uses and therefore, it would be preferable for them to cease. However, the applicant has indicated that the ultimate plan for the subject property is to eventually remove the two legal-nonconforming dwellings to expand the restaurant/banquet business.
5. The proposal has merit and can be supported for the following reasons:
 - it implements the intent of the "Commercial" designation in the Official Plan;
 - it implements the intent of the "Multi-Centre", to provide commercial services and employment opportunities;
 - it is suitably located at a designated Multi-Centre, near the intersection of two major arterial roads;
 - the proposed commercial use is consistent with established commercial uses and zoning modifications in the vicinity of the subject lands, along Stone Church Road East;
 - the proposal would not interfere with the orderly development of the Mountain Industrial Area, and would serve the industries in the area and their personnel; and,
 - the proposal would be compatible with existing and future intended uses in the area.
6. Modifications to the "M-13" District regulations are required to allow an accessory apartment dwelling unit and to allow the proposed restaurant on the same lot as the two existing legal non-conforming single-family dwellings.

The Building Department has indicated that detailed plans have not been submitted to determine compliance. Further, as indicated by the Traffic Department, the preliminary site plan submitted with the application provides a 15.2 m x 3.66 m loading space, whereas the By-law requires 18.0 m x 3.7 m. In this regard, it should be noted that By-law regulations must be met for parking, loading, access, etc. As well, any future expansion to the development must meet By-law regulations.

7. The "M-13" (Prestige Industrial) District is subject to Site Plan Control. As such, details of landscaping, access, parking, grading, etc. can be reviewed during the Site Plan approval process. As well, the required road widening, as per the comments of the Roads Department, should be made a condition of Site Plan Approval. In addition, any further expansion or revision to the development would also be subject to the Site Plan process.

CONCLUSION:

On the basis of the foregoing, the amended application can be supported.

CL-M/ma



Legend



Site of the Application



APPENDIX A

8.

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

DATE: October 27, 1992
ZA-92-22
Bruleville Neighbourhood

OCT 28 1992

CITY CLERKS

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a change in Zoning - No. 860 Upper Wentworth Street.

RECOMMENDATION:

A. That approval be given to amended Zoning Application 92-22, Rolando Pineda Estrabillo, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District modified (Block "1"), and for a modification to the established "C" (Urban Protected Residential, etc.) District (Block "2"), to convert the existing single-family dwelling to a dental office on the first floor and a dwelling unit on the second floor, for the property located at 860 Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the amending By-law apply the holding provisions of Section 35(1) of the Planning Act, R.S.O., to the subject lands, by introducing the holding symbol "H" as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as a Site Plan Control Application has been submitted and approved.

City Council may remove the "H" symbol, and thereby give effect to the "C" District -Modified provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled.

ii) That Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

iii) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-Law No. 6593, applicable to the subject lands, shown as Blocks "1" and "2", be modified to include the following variances as special requirements:

- a) That notwithstanding Section 9(1), of Zoning By-law No. 6593, the following uses shall be permitted:
 - 1) a dental office only on the first floor of the existing building and having a maximum gross floor area of 95.0 m² (1000 S.F.);
 - 2) one dwelling unit only on the second floor of the existing building;
 - 3) an unlighted name plate having an area of not more than 0.2 square metres attached to and, as nearly as practicable, flush with the wall of the dwelling;
- b) That a minimum 3.0 m wide landscape planting strip shall be provided and maintained along the westerly lot line of Block "2", and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained along the westerly lot line of Block "2";
- c) That a minimum 1.5 m wide landscape planting strip shall be provided and maintained along the southerly lot lines of Blocks "1" & "2", and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained along the southerly lot lines of Blocks "1" & "2";
- d) That a minimum 1.5 m wide landscape planting strip shall be provided and maintained along the easterly lot line of Block "1", except for any area used for vehicular access;
- e) That notwithstanding Section 18A(1) of Zoning By-law No. 6593, a minimum of four (4) parking spaces shall be provided and maintained on the subject lands;
- f) That Section 18A(14) of Zoning By-law No. 6593 shall not apply;
- iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-18 be notated S- ;
- v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18 for presentation to City Council;
- vi) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

- B. That Site Plan Control By-law No. 79-275, as amended by By-law 87-233, be amended by adding the subject lands to Schedule "A".

EXPLANATORY NOTE:

The amending By-law establishes the holding provisions of Section 35(1) of the Planning Act, R.S.O., on the subject lands, by introducing the holding symbol "H" as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as a Site Plan Control Application has been submitted and approved.

City Council may remove the "H" symbol, and thereby give effect to the "C" District - Modified provisions as stipulated in the amending By-law outlined below once the condition is fulfilled.

The purpose of the By-law is to provide for the following changes in zoning for property at No. 860 Upper Wentworth Street, as shown on the attached map.

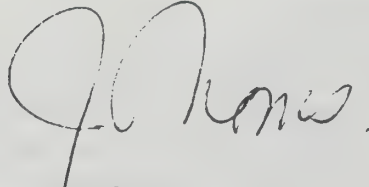
- | | | |
|---------|---|--|
| Block 1 | - | Change from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, modified; and, |
| Block 2 | - | Modification to the established "C" (Urban Protected Residential, etc.) District. |

The effect of the by-law is to allow use of the subject lands for a dental office having a maximum gross floor area of 95.0 m² (1000 S.F.) only on the first floor of the existing building, and one dwelling unit only on the second floor.

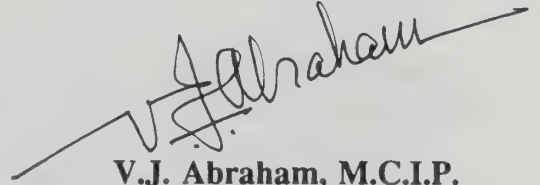
In addition, the By-law provides for the following variances as special requirements:

- permits an unlighted name plate having an area of not more than 0.2 square metres;
- requires a minimum of four (4) parking spaces to be provided and maintained on the subject lands, whereas six (6) parking spaces are required;
- permits parking to be located in the required front yard;
- requires a minimum 3.0 m wide landscape planting strip along the westerly lot line of Block "2", and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height along the westerly lot line of Block "2";
- requires a minimum 1.5 m wide landscape planting strip along the southerly lot line of Blocks "1" & "2", and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height along the southerly lot lines of Blocks "1" and "2"; and,

- requires a minimum 1.5 m wide landscape planting strip along the easterly lot line of Block "1", except for any area used for vehicular access.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Previous Proposal

The applicant previously proposed to convert the existing single-family dwelling including the garage, located at No. 860 Upper Wentworth Street, to a dental office on the first floor, having a gross floor area of approximately 124.9 m² (1344.4 S.F.), and an apartment dwelling on the second floor with the limits of the development/commercial use extending to Fieldway Drive.

At its meeting of July 22, 1992 the Planning and Development Committee **tabled** the application so the applicant could explore alternatives for providing the required parking for the proposed development.

- Amended Proposal

The applicant has advised that an alternative means of providing the required parking could not be achieved (i.e., mutual right-of-way agreements with property owner(s) to the north or south, or access through the garage of the existing structure).

Therefore, the applicant has proposed to limit the extent of the commercial use, Blocks "1" & "2" on Appendix "A", and restrict the gross floor area of the dental office on the first floor to a maximum of 95.0 m² (1000 S.F.), whereas 124.9 m² (1344.4 S.F.) was previously proposed. The apartment dwelling is proposed on the second floor. Four (4) parking spaces are proposed on site, of which one (1) will be located in the existing garage.

APPLICANT:

Rolando Pineda Estrabillo, owner,

LOT SIZE AND AREA:

- 14.3 m (47.0 ft.) of lot frontage on Upper Wentworth Street;
- 66.44 m (217.99 ft.) of lot depth; and,
- 951.8 m² (10,245.0 sq.ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Single-Family Dwelling	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north	Single-Family Dwelling	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
to the south	Vacant	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified
to the east	Commercial	"HH" (Restricted Community Shopping and Commercial District), modified
to the west	Vacant	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated **RESIDENTIAL** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as **RESIDENTIAL** will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

- A.2.1.5 Notwithstanding the above, a medical practitioner's office may be permitted without the necessity of an amendment to this Plan subject to the satisfaction of Council that the proposed office:
 - i) Is situated on a major road;
 - ii) Is appropriately located with respect to adjacent **RESIDENTIAL USES**;
 - iii) Will provide an acceptable amount of on-site parking; and,
 - iv) Will otherwise not detract from the character of the **RESIDENTIAL** area.

- A.2.1.6 Where compatible uses are permitted, to preserve the amenities of and support **RESIDENTIAL USES** in the area, new development will, subject to the Zoning By-law:
 - i) Be required to be provided with adequate yards, off- street parking and loading, landscaping, screening, buffering or other such measures as determined by Council; and,
 - ii) Not provide outside storage or engage in any use of land in a manner having a detrimental impact on the adjacent **RESIDENTIAL USES**."

The proposal does not conflict with the intent of the Official Plan provided Policy A.2.1.5 is satisfied.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Medium Density Apartments" on the approved Bruleville Neighbourhood Plan. The proposal does not comply the intent of the Plan.

RESULTS OF CIRCULARIZATION:

- The following Agency and Departments have no comment or objection:

- Hamilton Region Conservation Authority; and,
- Union Gas.

- The Roads Department has advised that:

"There are existing public watermains and separate storm and sanitary sewers available to service on Upper Wentworth Street.

The City/Region are extending Fieldway Drive and also constructing sewer and watermains on Fieldway Drive this year.

According to our records the Region previously acquired the required road widening on Upper Wentworth Street shown as Part 11 on instrument number 156175 C.D. The City of Hamilton previously acquired Part 16, 17 and 18 on Reference Plan 62R-11054 for the establishment of Fieldway Drive. Part 16 on Reference Plan 62R-11054 is a 0.3m reserve and as a condition of zoning/ development approval, this 0.3m reserve must be lifted and all outstanding servicing costs be paid to the City/Region.

In the absence of any details shown, we advise that any works within the Fieldway Drive road allowance or Upper Wentworth Street road allowance, as widened, must conform to the respective Street By-law.

The Traffic Department is to comment on access and access design. According to survey plans submitted by the applicant, it appears that the front area adjacent to Upper Wentworth Street will be used for parking. Due to the limited width of the property, it would appear that all vehicles must back out onto Upper Wentworth Street which is extremely undesirable.

According to the Bruleville Neighbourhood Plan, these lands are included in Block 'B' which is designated for medium density apartments and requires a 3.048m Planting Strip adjacent to Fieldway Drive. The intent of the neighbourhood plan would be to encourage land assembly with lands at Number 852 Upper Wentworth Street providing improved access and on-site manoeuvring. It is our opinion that the intent of the neighbourhood plan be maintained and land assembly with lands at Number 852 Upper Wentworth Street or right of ways on title be registered for common access, manoeuvring etc. For the information of the Committee, Fieldway Drive to date is not established as a public highway. However, it is anticipated that this roadway will be established and constructed prior to October 1, 1992.

We recommend that these lands be developed through site plan control."

- The Building Department has reviewed the application and has forwarded the following comments:

- "1. This is a single family dwelling house built in 1984.
2. A dentist office is not a permitted use in the proposed C zone.
3. If the office is permitted, then parking will be required at the rate of one (1) car for every 19.0 m² (205 sq. ft.) of floor area.
4. The floor area is the outside measurement of the building with no deductions permitted.
5. No parking is permitted in the required front yard."

- The Traffic Department has reviewed the amended application and has advised that:

"It is our understanding that the applicant's proposed right-of-way over the property to the north cannot be obtained and as a result he is limited to a maximum of four parking spaces located at the front of the building and within the existing garage. Please be advised that we are opposed to the development of a dental office plus a second floor apartment on this basis. Four parking spaces will not serve the parking requirement for this proposal....."

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal does not comply with approved Bruleville Neighbourhood Plan designation. Approval of the application would require a redesignation to "Commercial-Residential Conversion".

However, it would be inappropriate to amend the Neighbourhood Plan designation at this time since there is still the potential for land assembly to occur with the adjoining lands to the north of the subject property. The assembled lands could then be developed in accordance with the "Medium Density Apartments" designation, as per Block "B" of the approved Bruleville Neighbourhood Plan.

3. The proposal has merit and can be supported for the following reasons:
 - i) it implements the provisions of policy A.2.1.5. of the Official Plan respecting the location of medical offices within RESIDENTIALLY designated areas;

- ii) it would not preclude the development of the subject lands for their future intended use, and is consistent with the intent of Block "C" of the approved Bruleville Neighbourhood Plan, in that it involves the conversion of an existing dwelling to a professional office which will be limited to 1000 square feet of gross floor area; and,
- iii) it is suitably located on the periphery of the Bruleville Neighbourhood on a major arterial road (i.e., Upper Wentworth Street), and would be compatible with existing development in the area.

4. Based upon a preliminary site plan and an existing floor plan, approval of the application would require the following variances:

- **Parking**

Four (4) parking spaces will be provided on site whereas six(6) are required (1 space per 19.0 m² of office area, plus 1 space for the apartment dwelling).

The Traffic Department has advised that they are opposed to the application (see RESULTS OF CIRCULARIZATION). However, given the existing site constraints the reduction in parking from six(6) to four(4) parking spaces is considered minor and can be supported. In this regard, the office area will be restricted to 95.0 m² (1000 S.F) of allowable gross floor area on the first floor of the existing building, which is consistent with the intent of Block "C" of the approved Bruleville Neighbourhood Plan respecting "Commercial - Residential Conversions".

- **Front Yard Parking**

Three (3) of the four (4) parking spaces and manoeuvring area will be located within the required front yard. The fourth space will be located within the existing garage.

The variance for front yard parking is necessary since the area available for parking and manoeuvring is limited by the location of existing building. Given the existing site constraints the variance can be supported.

5. In addition, it is recommended that approval of the application be subject to the following as special requirements:

- **Buffering and Screening**

1. In keeping with the design requirements of the approved Bruleville Neighbourhood Plan, a minimum 3.0 m wide landscape planting strip should be provided along the westerly limits of Block "2". Furthermore, it would be appropriate to require a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height along the westerly limits of Block "2".

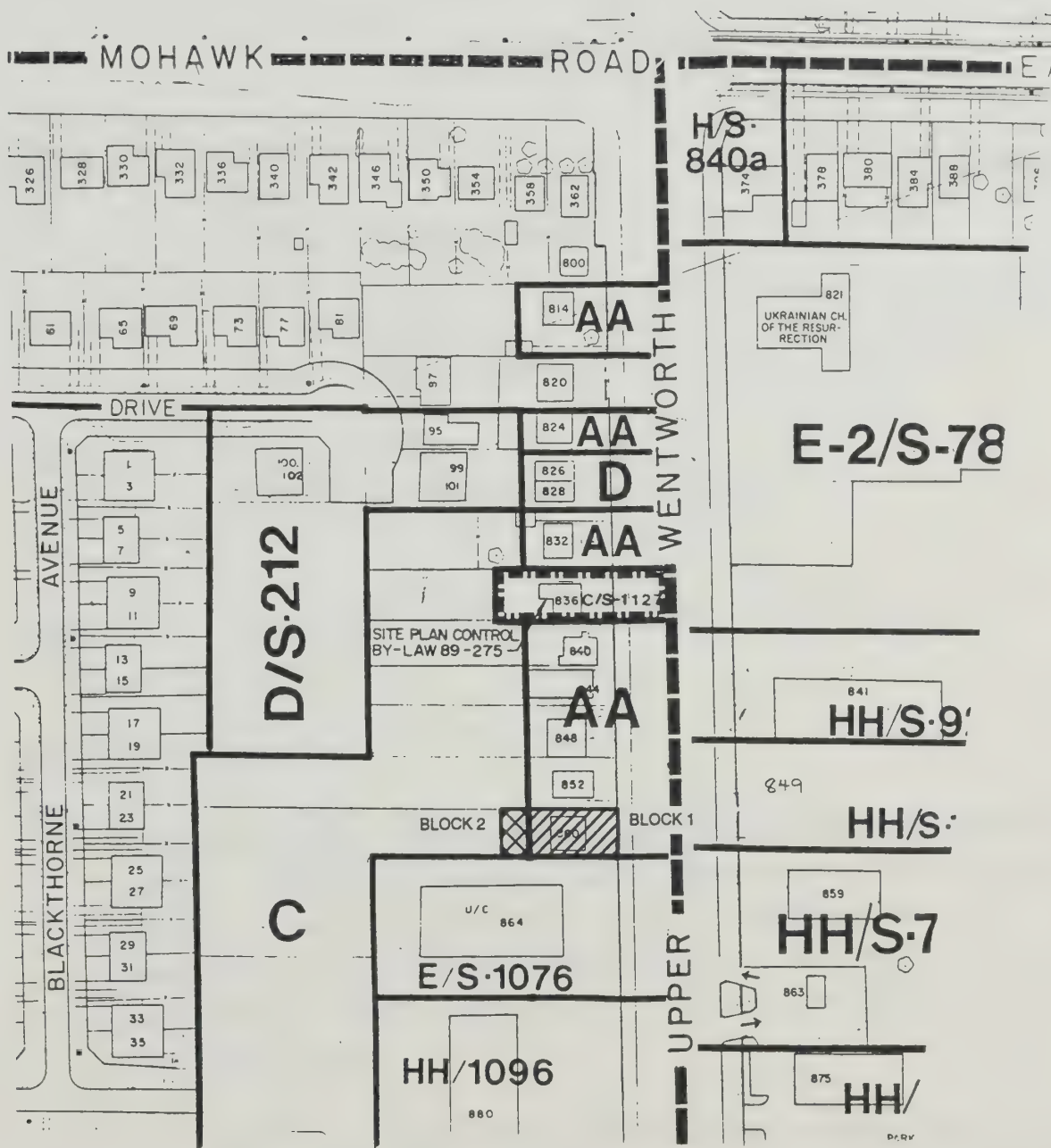
2. Since parking is proposed adjacent to the residential district to the south, a minimum 1.5 m wide landscape planting strip and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height should be provided along the southerly lot line of Blocks "1" & "2", thereby mitigating any potential negative spill over effects (e.g., noise, headlight glare).
3. In order to maintain and enhance the existing Upper Wentworth Street streetscape, a minimum 1.5 m wide landscape planting strip should be required along the easterly lot line of Blocks "1", except for the area used for vehicular access.
5. The lands are not subject to Site Plan Control By-law 79-275, as amended by By-law No. 87-233. Thus, it would be prudent to place the lands under Site Plan Control so that matters such as the parking layout, grading, landscaping etc. can be reviewed.

Furthermore, the subject lands should be placed in a holding zone, by introducing the holding symbol "H" as a suffix to the proposed Zoning District. The holding provision would prohibit the development of the subject lands until such time as a Site Plan Control Application has been submitted and approved. City Council may remove the "H" symbol, and thereby give effect to the "C" District - Modified provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled.



CONCLUSION:

Based on the foregoing, the proposal can be supported.

JL/ma
WPZA9222



Legend

- BLOCK 1  Proposed change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, modified.
- BLOCK 2  Proposed modification to the established "C" (Urban Protected Residential, etc.) District regulations.

APPENDIX A

RECORDED
INDEXED
9.

CITY OF HAMILTON

- RECOMMENDATION -

RECEIVED
OCT 14 1992

CITY CLERKS

DATE: 1992 October 14
ZA-92-32
Parkview West Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a modification of zoning - No. 719 Knox
Avenue.

RECOMMENDATIONS:

- A. That approval be given to Zoning Application 92-32, Ernie and Tom Schoenholz, owners, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations, to permit the development of lands municipally known as No. 719 Knox Avenue through a plan of condominium for four (4) single-family dwellings, having common access to Knox Avenue, as shown on the attached map marked as Appendix "A", on the following basis:
- i) That the amending By-law apply the holding provisions of Section 35(1) of The Planning Act, R.S.O. to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District to prohibit the development of the subject lands until:
 - a) the owner has applied for and received approval from the Regional Municipality of Hamilton Wentworth of a draft plan of condominium; and,
 - b) the owner has applied for and received Site Plan Approval.

City Council may remove the "H" symbol and thereby give effect to the "C" District provisions as stipulated in this By-law, by enactment of an amending By-law once the conditions are fulfilled.

- ii) That the subject lands be zoned "C"- 'H' (Urban Protected Residential, etc. - Holding) District;
- iii) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - a) That notwithstanding Section 4.(3)(a) of Zoning By-law No. 6593, four (4) single-family dwellings shall be permitted on the subject lands;
 - b) That Section 9.(3) of Zoning By-law No. 6593 shall not apply;
 - c) That notwithstanding Section 9.(4) of Zoning By-law No. 6593, a lot width of at least 6.6 m shall be provided and maintained;
 - d) That the following minimum setbacks shall be provided and maintained for each of the four permitted single-family dwellings:
 - 1) a setback of at least 4.5 m from the easterly lot line and from the westerly lot line; and
 - 2) a setback of at least 7.5 m from the northerly lot line and from the southerly lot line;
 - e) That the following separation distances shall be provided and maintained between each of the four permitted single-family dwellings:
 - 1) a distance of not less than 2.4 m between buildings in an east-west direction; and

- 2) a distance of not less than 27.0 m between buildings in a north-south direction;
 - f) That a visual barrier not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along all property lines, except for the area required for an access driveway.
 - iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 Schedule S- , and that the subject lands on Zoning District Map E-81 be notated S- ;
 - v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-81 for presentation to City Council; and
 - iv) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- B. That By-law No. 79-275 as amended by By-law No. 87-223 be amended by adding the subject lands to Schedule "A", and that the provisions of Section 2. 1. of By-Law 87-223 shall not apply.

EXPLANATORY NOTE:

The amending By-law establishes the holding provisions of Section 35(1) of The Planning Act, R.S.O. on the subject lands, by introducing the holding symbol 'H' as a suffix to the established "C" (Urban Protected Residential, etc.) District which will prohibit the development of the subject lands until such time as the owner has applied for and received approval of a draft plan of condominium from the Regional Municipality of Hamilton Wentworth, and has applied for and received approval of a site plan.

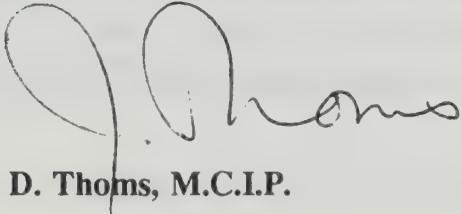
City Council may remove the 'H' symbol and thereby give effect to the "C" District provisions as stipulated in the amending By-law outlined below once the conditions are fulfilled.

The purpose of the By-law is to provide for a modification to the established "C" (Urban Protected Residential, etc.) District regulations, for property municipally known as No. 719 Knox Avenue, as shown on the attached map marked as Appendix "A".

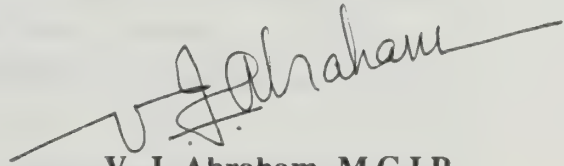
The effect of the By-law is to allow development of the subject lands, through a draft plan of condominium, for four (4) single-family dwellings, having common access to Knox Avenue. In addition, the By-law provides for the following variances as special requirements:

- a) to permit four (4) single-family dwellings on the subject lands, whereas only one (1) principal use, building or structure is permitted (Section 4.(3)(a));
- b) to exempt the subject lands from the standard "C" (Urban Protected Residential, etc.) District front yard (6.0 m), side yard (1.2 m) and rear yard (7.5 m) requirements;
- c) to allow a lot width of at least 6.6 m (common driveway), whereas 12.0 m is required;
- d) to require the following minimum setbacks to be provided and maintained for each of the four permitted single-family dwellings:
 - 1) a setback of at least 4.5 m from the easterly lot line and from the westerly lot line; and
 - 2) a setback of at least 7.5 m from the northerly lot line and from the southerly lot line;
- e) to require the following separation distances between each of the four single-family dwellings:
 - 1) a distance of not less than 2.4 m between buildings in an east-west direction; and
 - 2) a distance of not less than 27.0 m between buildings in a north-south direction;

- f) to require a visual barrier between 1.2 m and 2.0 m in height to be provided and maintained around the perimeter of the property, except for the area required for an access driveway.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Severance Application

On January 8, 1991 the Regional Land Division Committee approved land severance application (H-4-91) to convey a parcel of land having 21.7' of lot frontage on Knox Avenue, and a lot area of 2,229 sq. ft. to be added to an adjoining parcel of land (719 Knox Avenue), and retain a parcel of land having 28.33' of lot frontage and a lot area of 2,922 sq. ft. occupied by an existing single-family dwelling (723 Knox Avenue).

The Planning Department's comments stated:

"The Department feels that the granting of the severance is premature pending submission of a formal application and planning review of any proposed redevelopment of the interior lands. Further, granting of the severance at this time will establish legal road frontage for No. 719 Knox Avenue and in so doing, will circumvent proper planning for the interior lands. Given that there are a number of outstanding issues respecting this proposal, the proposed severance is premature and, at this time, not in the interest of proper planning."

The Department recommended that the application be DENIED.

- Minor Variance

On May 15, 1990, the Committee of Adjustment approved minor variance application (A-87-91) to permit the existing dwelling located at No. 719 Knox Avenue to maintain a lot width of 6.61 m (21.7') instead of 12.0 m (39.37'), and the existing dwelling located at No. 723 Knox Avenue to maintain a lot width of 8.63 m (28.33') instead of 12.0 m (39.37'), and lot area of 270.80 m² (2,915 sq.ft) instead of 360.0 m² (3,875.13 sq. ft.).

- Previous Rezoning Application

At its meeting held on February 15, 1992 the Planning and Development Committee recommended denial of a similar rezoning (ZA-91-71) to permit eight (8) small lot single-family building lots, having common access to Knox Avenue. At its meeting held on February 11, 1992, City Council adopted the recommendation of the Planning and Development Committee to deny the application.

- Neighbourhood Information Meeting

On May 7, 1992, a neighbourhood information meeting was held by the ward Alderman to discuss the merits of a revised application providing for only four (4) single-family dwellings with increased yard set backs, and providing access via a condominium driveway. The following is a summary of concerns/topics discussed at the meeting:

- mail box location
- garbage collection
- traffic generation
- fire department access
- fencing and grading
- clean-up of site
- nuisance factors

- Current Proposal

The proposed modification is to subdivide the subject lands into four (4) building lots for single-family detached dwellings, having common access to Knox Avenue (see APPENDIX "B" attached). Common access is to be established through a plan of condominium. For the information of the Committee, to-date, the applicant has not submitted an application to the Region for approval of a draft plan of condominium.

APPLICANTS:

Ernie and Tom Schoenholz, owners.

LOT SIZE AND AREA:

The subject lands are irregular ("T" shaped) and have:

- 6.61 m (21.7 ft.) of lot frontage on Knox Avenue;
- 32.0 m (105.0 ft.) of average lot depth;
- 91.44 m (300.0 ft.) of average lot width; and,
- 3,143.55 m² (33,837.99 sq. ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	single-family dwelling	"C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north, south, east and west	single-family dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule A - Land Use Concept Plan of the Official Plan, and are subject to, among others, the following policies:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.
- A.2.1.13 Plans for redevelopment will, to the satisfaction of Council, ensure that the RESIDENTIAL character of the area will be maintained or enhanced and that the redevelopment will not burden existing facilities and services.
- C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
- i) Provision and maintenance of adequate off-street parking;
 - viii) Other similar actions or matters as Council may deem appropriate.
- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.
- C.7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will: ...
- iii) Encourage RESIDENTIAL development that provides a range of types and tenure to satisfy the needs of the residents at densities and scales compatible with the established development pattern;..."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "SINGLE AND DOUBLE RESIDENTIAL" on the approved Parkview West Neighbourhood Plan. The proposal complies with the intent of the approved Plan.

COMMENTS RECEIVED:

- The Building Department has advised that:

- "1. The use is not allowed.
2. Is the existing house numbered #719 Knox Avenue still in existence? The Committee of Adjustment application A-91:87 referred to this building as retaining a 21.7' (6.61 m) width. The attached survey shows no building.
3. If the dwelling does exist, then Council approval is required for the house demolition."

- The Hamilton - Wentworth Roads Department has advised that:

"Our previous comments dated December 6, 1991 with respect to ZA-91-71 are applicable to this application.

In addition, the Traffic Department is to comment on access, right of ways etc."

The following comments were previously submitted by the Roads Department:

"There are public watermains and combined storm and sanitary sewers available to service these lands.

Any works which may occur within the Knox Avenue road allowance must conform to the City of Hamilton Streets By-law.

We will make more detailed comments upon receipt of a site plan which should be a condition of rezoning."

- The Traffic Department has advised that:

"..we have reviewed the above application and find it satisfactory subject to the applicant establishing legal access from each of the four separate lots to Knox Avenue."

- The Hamilton Region Conservation Authority has no comments or objections.

COMMENTS:

1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the intent of the approved Parkview West Neighbourhood Plan.
3. The application has merit and can be supported for the following reasons:
 - it complies with the intent of the Official Plan;
 - it implements the intent of the approved Parkview West Neighbourhood Plan which designates the lands "SINGLE AND DOUBLE RESIDENTIAL";
 - it implements both the Provincial Housing Intensification Policies as well as the Residential Housing Strategy adopted by City Council on June 25, 1991 by promoting and encouraging "Housing Intensification" through "infilling";
 - it would be compatible with existing development in the surrounding area which is primarily characterized by single-family dwellings;
 - contrary to the previous application (ZA-91-71) which proposed the subdivision of the lands into eight (8) single-family dwelling lots, this proposal involves a condominium development with an acceptable density of development (four (4) single-family dwellings) and provides for increased yard setbacks from the adjoining properties, as well as privacy fencing and adequate off-street parking to ensure a minimum standard for maintaining privacy, amenity and value;
 - it provides an opportunity for affordable single-family development; and
 - it would improve the existing unkempt appearance of the site.
4. Since the proposed development is to proceed by way of a plan of condominium, separate lots will not be created for each single-family dwelling. Consequently, the standard Zoning By-law regulations for single-family dwellings are not appropriate to regulate the proposal. In this regard the following variances are required to regulate the condominium development:

- to permit four (4) single-family dwellings on the subject lands, whereas only one (1) principal use, building or structure is permitted (Section 4.(3)(a));
- to exempt the subject lands from the standard "C" (Urban Protected Residential, etc.) District front yard (6.0 m), side yard (1.2 m) and rear yard (7.5 m) requirements;
- to allow a lot width of at least 6.6 m (common driveway), whereas 12.0 m is required;
- to require the following minimum setbacks to be provided and maintained for each of the four permitted single-family dwellings:
 - a setback of at least 4.5 m from the easterly lot line and from the westerly lot line; and
 - a setback of at least 7.5 m from the northerly lot line and from the southerly lot line;
- to require the following separation distances between each of the four single-family dwellings:
 - a distance of not less than 2.4 m between buildings in an east-west direction; and
 - a distance of not less than 27.0 m between buildings in a north-south direction;

Furthermore, since the proposed development is surrounded on all sides by existing residential development, it would be appropriate to provide a visual barrier not less than 1.2 m and not more than 2.0 m in height along all property lines, except for the area required for an access driveway.

5. As the lands are to be developed through a plan of condominium and will be regulated through a site specific by-law, to ensure the orderly development of the site, it would be appropriate that these lands be placed under the holding provisions in accordance with Section 35(1) of The Planning Act, R.S.O. These provisions permit Council to use the holding symbol 'H' in the zoning by-law in conjunction with any Zoning District and specify the use to which the lands, buildings or structures may be put to at such time in the future when the holding symbol is removed by an amendment. The purpose of using the holding symbol in this instance, is to ensure the orderly development of the site.
6. As the condominium project involves site specific details for its development, it would be appropriate to place the lands under Site Plan Control By-law No. 79-275 as amended by By-law 87-223. It will be necessary to amend Section 2. 1. of By-law No. 87-223 to require the submission of plans and drawings which are otherwise not required for single-family or two-family development. The requirement of Site Plan approval should also be included as a condition of removal of the holding symbol.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

GAW/ma

ZA9171

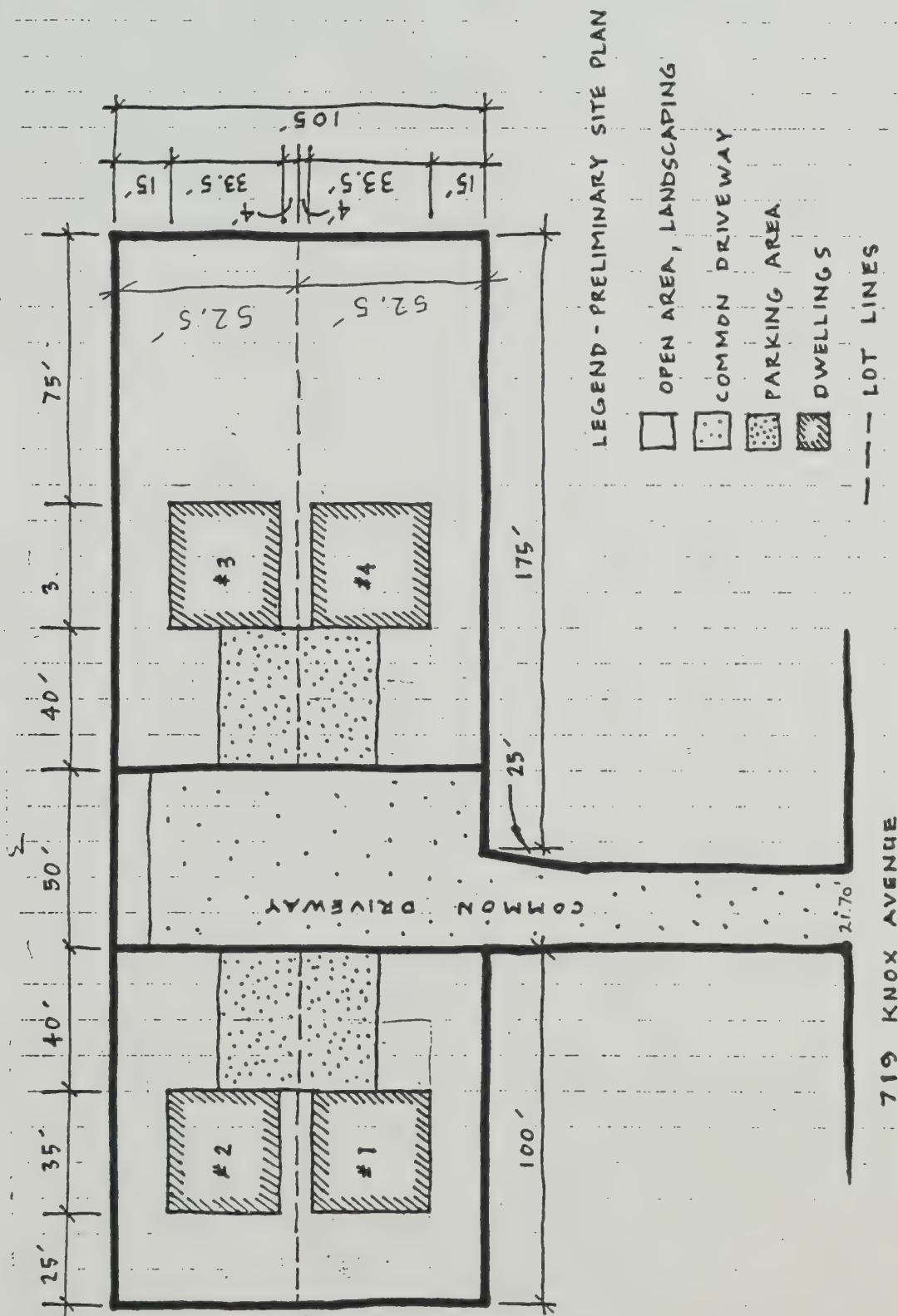


Legend



Site of the Application





CONTACT ...
 TOM SCHOENHOLZ
 phone : 575-1701

- MIN. 2 CAR PARKING/UNIT
- EASILY ACCOMMODATES MORE
- LOW DENSITY @ 5.5 UNITS/ACRE AVG.

- CONDOMINIUM COURT
- 4 DETACHED DWELLINGS
- MAINTAIN "C" ZONE AND ITS APPLICABLE SETBACKS & BUILDING RESTRICTIONS

CA4 ON HBL AOS
C SIP4
1992

J.J. SCHATZ
CITY CLERK



Urban Municipal
Collection
2nd Floor
Hamilton Public Library

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK
71 MAIN STREET WEST
HAMILTON, ONTARIO L8N 3T4

TEL: 546-2700
FAX: 546-2095

1992 November 12

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, November 18

9:30 o'clock a.m.

Room 233, City Hall



Tina Agnello, Secretary
Planning and Development Committee

AGENDA:

9:30 O'CLOCK A.M.

1. **CONSENT AGENDA**

2. **BUILDING COMMISSIONER**

Delegation: Alderman T. Cooke

175-177 Dundurn Street South and 14 and 22 Hill Street

3. **DIRECTOR OF PUBLIC WORKS**

- (a) North End East and West P.R.I.D.E. Anti-Recession Programme; Approval of Community Improvement Plan and financing
- (b) Central Beasley Programme for Renewal, Improvement, Development and Economic Revitalization - Housing Intensification (P.R.I.D.E. H.INT.) - Implementation Plan

4. COMMISSIONER OF PLANNING AND DEVELOPMENT

- (a) Hamilton Go Transportation Centre Area Study - Terms of Reference for funding request to Province
- (b) Access for the Physically Disabled and Barrier Free Design - Amendment to the Official Plan

ZONING APPLICATIONS AND PUBLIC MEETINGS

10:30 O'CLOCK A.M.

5. Amended Zoning Application 92-31, Robert J. Charko, owner, for a change in zoning from "D" District to "E-2" District, for property located at No. 174 Ferguson Avenue South; Corktown Neighbourhood

Submission:

- (a) Owner/Occupant, 173 Forest Avenue, Hamilton
- (b) Francois and Wanda Roesch, 171 Forest Avenue, Hamilton, L8N 1X8

6. Zoning Application 92-37, 394553 Ontario Limited (L. & D. Pasquale), lessee, for a modification to the established "H" District regulations, for property located at No. 664-682 Concession Street (Unit 664); Easemount Neighbourhood

Submission:

- (a) Dr. David Wismer, M.D., 666 Concession Street, Hamilton, L8V 4T9

7. GENERAL MANAGER, HOUSING DEPARTMENT (INFORMATION REPORT)

1993 - 2002 Capital Budget

8. OTHER BUSINESS

9. ADJOURNMENT

OUTSTANDING LIST

PLANNING AND DEVELOPMENT COMMITTEE

<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
Mobile Signs		Planning	Report Pending
C.I.90-F - Parking requirements in the Central Business District	1990 July 25	Planning	Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee and report back
Site Plan Enforcement Procedures	1991 Jan. 23	Building, Regional Engineering, Planning	Report back on alternative proposals
Conditions of conversions - separate utility controls	1991 June 19	Building	Report pending
ZA 91-43 - 145 MacNab Street North	1991 October 23	Planning	a neighbourhood Tabled to resolve design issues and height of building.
Site Plan Control Application DA-91-50 - 45 Hempstead Drive	1992 January 8	Planning	Tabled - Applicant directed to proceed through Committee of Adjustment
Grading Requirements	1992 February 19	Roads Department	Report Pending
Roof Water Connections	1992 March 25	Building	Report Pending
11-13 Holmes Avenue 19th century log home	1992 June 24	Planning	Report pending
ZA-91-12 25 Hess Street South	1992 June 24	Applicant	Tabled for negotiations btwn. parties

<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>S T A T U S</u> between parties
ZA-92-03 212 James Street South	1992 June 24	Applicant Harper Brothers Holdings	Tabled to submit amended application
ZA-92-19 412 Charlton Avenue West	1992 September 23	Traffic	Tabled for review of traffic conditions
ZA-92-08 1907 King Street East	1992 September 23	Applicant Faith Evangelical Lutheran Church	Tabled to resolve neighbours concerns
Zoning Verification/ Property Reports	1992 September 23	Building	Report to Committee on time required for requests and fees
Consultant for Go Transit Centre	1992 September 23	Planning	Planning staff to prepare terms of reference and estimated costs
Hill Street Group Foster Homes (delegation)	1992 October 21	Alderman T. Cooke	Tabled to 1992 November 18 meeting

1992 November 12

PLANNING AND DEVELOPMENT COMMITTEE

WEDNESDAY, 1992 NOVEMBER 18

CONSENT AGENDA

A. ADOPTION OF THE MINUTES

Minutes of the meeting held 1992 November 4

B. SENIOR DIRECTOR, ROADS DEPARTMENT

(a) Wisemount Estates - Phase 1, (Cash-in-lieu of 5% Parkland Dedication)

(b) Edan Heights - Phase 3 (Cash-in-lieu of 5% Parkland Dedication)

C. DIRECTOR OF PUBLIC WORKS

International Village Business Improvement Area; Expansion of Boundaries

D. BUILDING COMMISSIONER

(a) City of Hamilton Heritage Programme - 235 Bowman Street

(b) Demolition Permits:

(i) 17 Crosthwaite Avenue North

(ii) 122 Province Street North

(iii) 547 Wilson Street

E. COMMISSIONER OF PLANNING AND DEVELOPMENT

Grant Agreement with the Minister of Culture and Communications regarding the Durand Markland Heritage Conservation District report

F. **INFORMATION REPORTS**

- (a) Mobile Signs Regulations - Commissioner of Planning and Development
- (b) Approved Site Plan Control Application - Commissioner of Planning and Development
- (c) Summary of Revenues and Expenditures for the nine months ended 1992 September 30 compared with budget - City Treasurer
- (d) Recent Administrative Tribunal Update: Ontario Municipal Board - City Solicitor
- (e) Feasibility of charging differential fees for residential and non-residential zoning verification/property reports - Building Commissioner
- (f) Request from Alderman Kiss: Traffic devices in the vicinity of Glendale Avenue North and Primrose Avenue - Secretary, Planning and Development Committee

Wednesday, 1992 November 4
9:30 o'clock a.m.
Room 233, City Hall

A.

The Planning and Development Committee met.

There were present: Alderman D. Drury, Chairperson
Alderman F. Eisenberger, Vice-Chairperson
Mayor R. Morrow
Alderman M. Kiss
Alderman W. McCulloch
Alderman D. Wilson
Alderman B. Charters
Alderman H. Merling
Alderman F. D'Amico

Also present: V. Abraham, Planning Department
P. Mallard, Planning Department
B. Janssen, Planning Department
C. Floroff, Planning Department
J. Sakala, Planning Department
M. L. Tanner, Planning Department
J. McNeilly, Public Works Department
D. Powers, Law Department
J. Robinson, Building Department
E. Chajka, Transportation/Environmental Services
D. Carson, Mayor's Office
T. Agnello, Secretary

1. **HAMILTON GO CENTRE**

(a) **CAPIC's Report**

The Committee was in receipt of a report from the Chairperson of the CAPIC Committee dated 1992 October 28.

Mr. Elman, Chairperson and Gil Simmons, Vice-Chairperson of CAPIC were present.

Mr. Elman thanked the CAPIC Committee and staff for their assistance on the Go Transit matter. He stated that this is a major project with enormous impact and suggested that the Chief Administrative Officer be appointed as the contact person.

Mr. Elman continued by reviewing CAPIC's recommendations with the Committee and concluded by suggesting that a time frame should be established for the completion of the study and implementation. The Committee must attempt to get government funding for the study but if this does not materialize, an alternate method of funding should be developed.

Ms. Simmons concurred and added that the Stinson Neighbourhood Association should be commended for their cooperation with the project. She added that the Health Building, which is located across the street from the station, should be preserved because it is a good example of modern architecture.

The Committee moved that the report be received.

(b) **Urban Design Committee Recommendations**

The Committee was in receipt of a report from the Urban Design Committee dated 1992 October 9.

Mr. Peter Hill, Chairperson of the Committee was present to review his report. He also thanked staff for their assistance and stressed the importance of the urgency to conduct a study beyond the confines of the transit centre.

The report of the Urban Design Committee was received.

(c) **Planning Department Report**

Bill Janssen advised that the most effective way to address the concerns in this study is to hire a consultant with expertise in urban design and traffic. He suggested that the Go Transit people should receive some comments immediately. Attempts will be made to get funding from the Province. He reiterated that the City Co-ordinator should be the Chief Administrative Officer.

Alderman McCulloch urged the Committee to go forward with the study. he was pleased that Mr. Pavelka will be the Co-ordinator. He stated that the goal is to make the Transit Station a positive venture for the entire city. Residents of neighbourhoods that will be in close proximity to storage yards have made positive presentations. Homes are not normally built near railway yards but in this case, the railway yards are being placed in residential neighbourhoods.

Alderman Eisenberger was not in favour of the Parking Authority providing a parking lot across the street from the station since it flies in the face of the notion of urban transit. This will become a permanent parking lot as opposed to private lots which are eventually developed.

Alderman D'Amico stated that the Parking Authority will have a well designed lot. This project is viable and will enhance the downtown core.

Alderman Charters said that the City only has jurisdiction over public lots and that private lots will be permitted in the area.

Alderman Wilson supports reconsideration of the public parking lot.

As recommended by the Commissioner of Planning and Development in a report dated 1992 October 27, the Committee recommended to Council as follows:

- (i) That the Planning and Development Department be directed to approach the Province for funding to undertake a consultant study to review the design and land use in the vicinity of the proposed Hamilton GO Centre.
- (ii) That the issues identified in the reports of the Central Area Plan Implementation Committee and the Urban Design Committee, concerning the Hamilton GO Centre, be incorporated into the Terms of Reference for the consultant study of the land in the vicinity of the GO Centre.
- (iii) That GO Transit be requested to address those issues identified by the Committees, as outlined in Appendix "A".
- (iv) That the Chief Administrative Officer for the City of Hamilton be appointed as the Co-ordinator for all municipal review and activity for the GO Centre and surrounding area.

*Alderman F. D'Amico opposed.

The Committee also agreed that by receiving CAPIC's and the Urban Design Committee's reports, that the recommendations forwarded in them be considered in the overall study.

2. **CONSENT AGENDA**

A. **ADOPTION OF THE MINUTES**

The Committee moved to approve the minutes of the meeting held 1992 October 21, as amended, as follows:

To change the phrase "6 more setbacks" in paragraph two of Item 7 to "6 metre setbacks"

To change the property description in Item 8 from "719 Knox Avenue; Parkview West Neighbourhood" to "9 Brantdale Avenue; Southam Neighbourhood".

B. **LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE**

(a) **Dominion Public Building - 10 John Street South**

As recommended by the Secretary of LACAC in a report dated 1992 October 19, the Committee recommended to Council as follows:

- (i) That approval be given to the "Intent to Designate" the Dominion Public Building (future Consolidated Courthouse) at 10 John Street South as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation attached herewith and marked as Appendix "B"; and,
- (ii) That the City Solicitor be authorized and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

(b) **Heritage Easement Agreement - 235 Bowman Street**

As recommended by the Secretary of LACAC in a report dated 1992 October 20, the Committee recommended to Council as follows:

- (i) That approval be given by By-law, for the City to enter into a Heritage Easement Agreement with the Hamilton Hebrew Academy under Part IV, Section 37 of the Ontario Heritage Act; and,
- (ii) That the City Solicitor be authorized and directed to take appropriate action to have this Heritage Easement implemented, pursuant to the provisions of the Ontario Heritage Act, 1983.

C. DIRECTOR OF PUBLIC WORKS**Phase IV of the Downtown Action Plan; Public Service Announcement Competition**

As recommended by the Director of Public Works in a report dated 1992 October 27, the Committee recommended to Council as follows:

That the City of Hamilton's Public Works Department, Community Renewal Section in conjunction with the Keep Hamilton Clean Committee hold a 5th Annual Public Service Announcement Competition through Mohawk College Media Studies Program and CHCH-TV at a total estimated cost of \$3,000.

D. BUILDING COMMISSIONER**(a) Commercial Facade Loan Programme: 533-537 Concession Street**

As recommended by the Building Commissioner in a report dated 1992 October 26, the Committee recommended to Council as follows:

That a Commercial Facade Loan in the amount of twenty eight thousand, one hundred and fourteen dollars (\$28,114) be approved for Garth H. Turpin and Sharon Turpin, 533-537 Concession Street, Hamilton. The interest rate will be 4 1/8 per cent, amortized over 10 years.

(b) Second Level Lodging Home Rehabilitation Programme - 106 Catherine Street South

As recommended by the Building Commissioner in a report dated 1992 October 26, the Committee recommended to Council as follows:

That a rehabilitation loan in the amount of three thousand, nine hundred and fifty nine dollars (\$3,959) be approved for Leonard Renford Dunbar and Veronica Dunbar, owner of a Second Level Lodging Home at 106 Catharine Street South. The loan is amortized over a ten-year period at three percent interest and secured by a Lien on Title.

(c) Demolition Permits

As recommended by the Building Commissioner in various reports, the Committee recommended to Council as follows:

That the Building Commissioner be authorized to issue demolition permits for the following properties:

- (i) 1098 Upper James Street
- (ii) 1106 Upper James Street
- (iii) 1147 Upper James Street
- (iv) 106 Hillyard Street
- (v) 175 Niagara Street

E. COMMISSIONER OF PLANNING AND DEVELOPMENT

- (a) **Draft Plan of Condominium 25CDM-89003, 591613 Ontario Inc., c/o K. VanDerSchaaf, owner, for a draft plan of condominium located on the north side of York Boulevard, between Crooks Street and Magill Street; Strathcona Neighbourhood**

As recommended by the Commissioner of Planning and Development in a report dated 1992 October 27, the Committee recommended to Council as follows:

- A. That approval be given to application 25CDM-89003, 591613 Ontario Inc., c/o K. VanDerSchaaf, owner, to establish a draft plan of Condominium located at the north side of York Boulevard between Crooks Street and Magill Street, subject to the following conditions:
- (i) That this approval apply to the plan prepared by MacKay, MacKay and Peters Limited, dated 1988 December 20.
 - (ii) That the owner satisfy all financial requirements of the Regional Municipality of Hamilton-Wentworth.
- B. That the Commissioner of Planning and Development for the Regional Municipality of Hamilton-Wentworth be advised of Council's decision.

Alderman Kiss requested that an adjustment be made in the background to show the property as designated modified "E".

- (b) **Central Area Plan Implementation Committee (CAPIC) updated membership**

As recommended by the Commissioner of Planning and Development in a report dated 1992 October 22, the Committee recommended to Council as follows:

That the current list of members of the Central Area Plan Implementation Committee, attached as Appendix "C", be appointed for the term of Council to expire in 1994 November.

3. DIRECTOR OF PUBLIC WORKS

Public Works Department, Community Renewal Section, 1993-2002, Capital Budget

The Committee moved to receive the information report of the Director of Public Works dated 1992 October 29.

4. COMMISSIONER OF PLANNING AND DEVELOPMENT

The Commissioner of Planning and Development in Ontario (Sewell Commission) - Proposed details on Planning reform

As recommended by the Director of Planning and Development in a report dated 1992 October 28, the Committee recommended to Council as follows:

- (a) That the Commission on Planning and Development Reform be requested to strengthen and clarify their proposals for reform of the planning system as outlined in Appendix "D"; and,

- (b) The City Clerk be requested to forward this report to the Sewell Commission and Hamilton-Wentworth Region.

ZONING APPLICATIONS AND PUBLIC MEETINGS

5. **ZA-92-30, Mr. and Mrs. E. Ciardullo, owners, for modifications to the established "AA" District regulations for Block "1" and to the established "C" District regulations for Block "2", for property located at Nos. 1468 and 1478 Upper James Street; Mewburn Neighbourhood**

Mr. Ciardullo and Len Polloniato were present.

Paul Mallard advised that the road dedication should be approved prior to the passing of the by-law. Only the commercially designated areas will be utilized and dedication of money for parkland purpose will be taken for the commercially designated area only.

Mr. R. J. Morris of 1452 Upper James Street was present to object to the application because he is concerned with security of his property. He suggested fencing be a requirement of approval.

Alderman Merling advised that others have not been asked to designate the road allowance.

The Committee agreed to delete the requirement for a road allowance designate and to require fencing of the property where it abuts the property at 1452 Upper James Street.

The Committee resolved to approve the recommendation of the Commissioner of Planning and Development dated 1992 October 28 as amended and to recommend to Council as follows:

- A. That Zoning Application 92-30, Mr. & Mrs. E. Ciardullo, owners, requesting modifications to the "AA" (Agricultural) and "C" (Urban Protected Residential, etc.) Districts to permit the temporary use of land for a garden centre/nursery and related uses, for lands municipally known as 1468 and 1478 Upper James Street, shown as Blocks "1" and "2" on the attached map marked as Appendix "E", be Denied for the following reasons:
- (a) The proposal conflicts with the intent of the approved Mewburn (East) Neighbourhood Plan.
 - (b) The proposal to use the entire site, even on a temporary basis, may jeopardize the establishment of the mid-block collector road and future assembly/development of the lands for their intended use.
 - (c) Development of the subject lands on the south side of the proposed mid-block collector road is considered premature pending either consolidation with adjoining lands or submission of a plan showing how the lands could be developed on a comprehensive basis.
- B. That approval be given to amended Zoning Application 92-30, Mr. & Mrs. E. Ciardullo, owners, for modifications to the "AA" (Agricultural) and "C" (Urban Protected Residential, etc.) District to permit the temporary use of land for a garden centre/nursery and related uses for property municipally known as 1468 Upper James Street, shown as Blocks "A" & "B" on the attached map marked as Appendix "F", on the following basis:
- (a) That the "AA" (Agricultural) District regulations as contained in Section 7A of Zoning By-law No. 6593, and the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of

Zoning By-law No. 6593, applicable to the subject lands, be modified in accordance with Section 38 of the Planning Act, R.S.O. 1983, to permit the temporary use of the lands for a garden centre/nursery and related uses for a period of three years from the day of passing of this By-law, subject to the following special provisions:

- (i) That notwithstanding Sections 7A(1) and 9.(1) of Zoning By-law No. 6593, a business identification sign shall be permitted in accordance with the requirements of Section 13.1(xv) of By-law No. 6593;
 - (ii) That a minimum 6.0 m wide landscaped planting strip shall be provided and maintained along the westerly lot line of Block "A";
 - (iii) That a visual barrier not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the westerly and northerly lot lines of Block "A";
 - (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- 1291, and that the subject lands on W-9D be notated S-1291;
 - (c) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W-9D for presentation to City Council;
 - (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
 - C. That By-law 79-275, as amended by By-law No. 87-223, be amended by adding Blocks "A" and "B" as shown on Appendix "F", to Schedule "A".
 - D. That the amending By-law not be forwarded for passage by City Council until such time as the owner applies for and receives site plan approval.
6. **ZA-92-36, Mike Anderson, owner, for a further modification to the established "H" District regulations, for property located at No. 217 Cannon Street East; Beasley Neighbourhood**

Mr. Anderson was present in support of his application.

A submission was received by Mrs. Valerie Rosati, 1971 Wellington Street North.

Paul Mallard advised that a modification is required for car wash facilities which are less intrusive than uses which are already permitted. A 1.5 metre landscape strip is being required along the southerly, easterly lot lines. A landscape planting strip is also being required along the northerly lot line. Of 320 households circulated, 16 indicated they were in favour and 5 were opposed.

Valeri Rosati of 1971 Wellington Street North was present to object to the application because her windows will be blocked by the car wash. She was also concerned about traffic and accidents.

Jim Peppard of 220 Wellington Street North, an employee of Imperial Variety Store which recently opened in the area, was present in objection to the possibility of another store opening in the area.

Through questions to staff and Ms. Rosati, Alderman Eisenberger determined that the house is 3 feet from the lot line and the car wash will be 15 feet from the lot line.

As recommended by the Commissioner of Planning and Development in a report dated 1992 October 27, the Committee recommended to Council as follows:

That approval be given to Zoning Application 92-36, 952517 Ontario Ltd. (Mike Anderson, owner), requesting a modification to the "H" (Community Shopping and Commercial, etc.) District, to permit the development of the subject lands for a four (4) bay coin-operated car wash and mechanical car wash in conjunction with a proposed restaurant and variety store with an accessory office, for the property located at 217 Cannon Street East, as shown on the attached map marked as Appendix "G", on the following basis:

- (a) That By-law No. 79-152 and By-law 84-228 be repealed in their entirety;
- (b) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14.(1) of Zoning By-law No. 6593, applicable to the subject property be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 14(1) of Zoning By-law No. 6593, the following commercial uses shall be permitted;
 - 1. a coin-operated manual car wash having not more than four (4) bays; and,
 - 2. a mechanical car wash.
 - (ii) That notwithstanding Section 18(3)(ivc)(a) of Zoning By-law No. 6593, every building and structure shall be distant at least 4.5 m (14.76 feet) from the boundary of a residential district;
 - (iii) That a minimum 1.5 m wide landscape planting strip shall be provided and maintained along the southerly and easterly lot lines, except for any area used for vehicular access;
 - (iv) That a minimum 3.0 m wide landscape planting strip shall be provided and maintained along the northerly lot line;
 - (v) That a visual/acoustical barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained along the northerly lot line;
 - (vi) That a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained along the westerly lot line.
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1292, and that the subject lands on Zoning District Map E-4 be notated S-1292;
- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-4 for presentation to City Council;
- (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

7. ZA-92-17, Mr. Chin See Shing and Mrs. Chin Nor Fai, owners, for a modification to the established "M-13" District regulations, for property located at Nos. 1123, 1131 and 1135 Stone Church Road East; Trenholme Neighbourhood (not a public meeting)

Mr. Gill was present on behalf of the applicants.

Alderman Charters was concerned about the two homes on the property which will stay as legal non-conforming uses. These buildings are dilapidated and should be torn down.

Mr. Gill advised that the owners will tear the buildings down in 5 years; they cannot afford to do so now.

Mr. Abraham suggested that in lieu of demolition, that landscaping be required on Stone Church Road through site plan control.

The Committee directed the Planning Department staff to review landscaping for the two existing houses and the possibility of this being dealt with through site plan. The Law Department will be consulted in the interim regarding this.

As recommended by the Commissioner of Planning and Development in a report dated 1992 August 12, the Committee recommended to Council as follows:

That approval be given to amended Zoning Application 92-17, Mr. Chin Shee Shing and Mrs. Chin Nor Fai, owners, requesting a modification to the established "M-13" (Prestige Industrial) District regulations, to permit the construction of a 2 storey, 466 m² (5,020 sq. ft.) building containing a 300 seat banquet hall (basement level), a 150 seat restaurant (ground floor level), and an accessory apartment unit, (second floor), for property located at 1123, 1131 and 1135 Stone Church Road East, as shown on the attached map marked as Appendix "H", on the following basis:

- (a) That the "M-13" (Prestige Industrial) District regulations as contained in Section 17E of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 17E(1) (c) of By-law No. 6593, a restaurant and caterer including banquet facilities shall be permitted.
 - (ii) That notwithstanding Section 17E(1) (e) of By-law No. 6593, an accessory dwelling unit which is incidental to the permitted restaurant use and located within the same building, shall be permitted.
 - (iii) That Section 4. (3) (a) of By-law No. 6593 shall not apply to the two existing single-family dwellings, known municipally as Nos. 1131 and 1135 Stone Church Road East.
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1293, and that the subject lands on Zoning District Map E-59C be notated as S-1293.
- (c) That the City solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59C for submission to City Council.
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (e) That the Trenholme Neighbourhood Plan and the Mountain Industrial Area Plan be amended by redesignating the subject lands from "Multi-Centre - Civic And Institutional" to "Multi-Centre - Commercial".

8. Amended ZA-92-22, Rolando Pineda Estrabillo, owner, for a change in zoning from "AA" to "C", modified, for Block "1" and for a modification to the established "C" District regulations for Block "2", for property located at No. 860 Upper Wentworth Street; Bruleville Neighbourhood- (not a public meeting)

Mr. Estrabillo was present in support of his application.

Paul Mallard advised that the applicant has amended his application to reduce the size of his office to 1,000 square feet on the first floor. He is providing 4 parking spaces whereas the by-law requires 6. The Traffic Department has concerns with this. Visual barriers will be required under site plan control. Of notices sent, 19 residents were in favour of the application and no people were opposed.

As recommended by the Commissioner of Planning and Development in a report dated 1992 October 27, the Committee recommended to Council as follows:

- A. That approval be given to amended Zoning Application 92-22, Rolando Pineda Estrabillo, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District modified (Block "1"), and for a modification to the established "C" (Urban Protected Residential, etc.) District (Block "2"), to convert the existing single-family dwelling to a dental office on the first floor and a dwelling unit on the second floor, for the property located at 860 Upper Wentworth Street, as shown on the attached map marked as Appendix "I", on the following basis:

- (a) That the amending By-law apply the holding provisions of Section 35(1) of the Planning Act, R.S.O., to the subject lands, by introducing the holding symbol "H" as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as a Site Plan Control Application has been submitted and approved.

City Council may remove the "H" symbol, and thereby give effect to the "C" District -Modified provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled.

- (b) That Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (c) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-Law No. 6593, applicable to the subject lands, shown as Blocks "1" and "2", be modified to include the following variances as special requirements:
- (i) That notwithstanding Section 9(1), of Zoning By-law No. 6593, the following uses shall be permitted:
1. a dental office only on the first floor of the existing building and having a maximum gross floor area of 95.0 m² (1000 S.F.);
 2. one dwelling unit only on the second floor of the existing building;
 3. an unlighted name plate having an area of not more than 0.2 square metres attached to and, as nearly as practicable, flush with the wall of the dwelling;
- (ii) That a minimum 3.0 m wide landscape planting strip shall be provided and maintained along the westerly lot line of Block "2", and a visual barrier not less than 1.2 m in height and not

greater than 2.0 m in height shall be provided and maintained along the westerly lot line of Block "2";

- (iii) That a minimum 1.5 m wide landscape planting strip shall be provided and maintained along the southerly lot lines of Blocks "1" & "2", and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained along the southerly lot lines of Blocks "1" & "2";
 - (iv) That a minimum 1.5 m wide landscape planting strip shall be provided and maintained along the easterly lot line of Block "1", except for any area used for vehicular access;
 - (v) That notwithstanding Section 18A(1) of Zoning By-law No. 6593, a minimum of four (4) parking spaces shall be provided and maintained on the subject lands;
 - (vi) That Section 18A(14) of Zoning By-law No. 6593 shall not apply;
 - (d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1294, and that the subject lands on Zoning District Map E-18 be notated S-1294;
 - (e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18 for presentation to City Council;
 - (f) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.
- B. That Site Plan Control By-law No. 79-275, as amended by By-law 87-233, be amended by adding the subject lands to Schedule "A".

9. **ZA-92-32, E. and T. Schoenholz, owners, for a modification to the "C" District regulations for property located at No. 719 Knox Avenue; Parkview West Neighbourhood (previously tabled with directions of referral to the Parks and Recreation Committee)**

Mr. E. Schoenholz was present in support of his application.

Grace Learn of 717 Knox Avenue was present to advise that part of the adjacent property was used as a service station and tanks were buried on the 719 Knox Avenue. As such, the soil may be contaminated. She distributed photos to the Committee.

Alderman Wilson requested that a soil study and if necessary remediation plan be a condition of approval. He also suggested that the property be surrounded by a 6 foot fence.

Alderman Charters had no objection to the application since the gas station was located on property upon which houses are already built.

Alderman Kiss insisted that the Ministry of the Environment be apprised of the situation.

The Committee agreed that a soil study and decommissioning if required be a condition of approval.

The Committee resolved to approve the recommendation of the Commissioner of Planning and Development dated 1992 October 14 as amended and to recommend to Council follows:

A. That approval be given to Zoning Application 92-32, Ernie and Tom Schoenholz, owners, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations, to permit the development of lands municipally known as 719 Knox Avenue through a plan of condominium for four (4) single-family dwellings, having common access to Knox Avenue, as shown on the attached map marked as Appendix "J", on the following basis:

(a) That the amending By-law apply the holding provisions of Section 35(1) of The Planning Act, R.S.O. to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District to prohibit the development of the subject lands until:

- (i) the owner has undertaken a soils study to the satisfaction of the Ministry of Environment, and notification is received from the Ministry of Environment that the decommissioning process, if required, has been satisfactorily completed;
- (ii) the owner has applied for and received approval from the Regional Municipality of Hamilton-Wentworth of a draft plan of condominium; and,
- (iii) the owner has applied for and received Site Plan Approval.

City Council may remove the "H" symbol and thereby give effect to the "C" District provisions as stipulated in this By-law, by enactment of an amending By-law once the conditions are fulfilled.

(b) That the subject lands be zoned "C"-H' (Urban Protected Residential, etc. - Holding) District;

(c) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special requirements:

- (i) That notwithstanding Section 4.(3)(a) of Zoning By-law No. 6593, four (4) single-family dwellings shall be permitted on the subject lands;
- (ii) That Section 9.(3) of Zoning By-law No. 6593 shall not apply;
- (iii) That notwithstanding Section 9.(4) of Zoning By-law No. 6593, a lot width of at least 6.6 m shall be provided and maintained;
- (iv) That the following minimum setbacks shall be provided and maintained for each of the four permitted single-family dwellings:
 - 1. a setback of at least 4.5 m from the easterly lot line and from the westerly lot line; and
 - 2. a setback of at least 7.5 m from the northerly lot line and from the southerly lot line;

- (v) That the following separation distances shall be provided and maintained between each of the four permitted single-family dwellings:
 - 1. a distance of not less than 2.4 m between buildings in an east-west direction; and
 - 2. a distance of not less than 27.0 m between buildings in a north-south direction;
 - (vi) That a visual barrier not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along all property lines, except for the area required for an access driveway.
 - (d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 Schedule S-1295, and that the subject lands on Zoning District Map E-81 be notated S-1295;
 - (e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-81 for presentation to City Council; and
 - (f) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- B. That By-law No. 79-275 as amended by By-law No. 87-223 be amended by adding the subject lands to Schedule "A", and that the provisions of Section 2. 1. of By-Law 87-223 shall not apply.

10. **OTHER BUSINESS**

None

11. **ADJOURNMENT**

There being no further business, the Committee meeting adjourned.

TAKEN AS READ APPROVED,

**ALDERMAN DON DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE**

Tina Agnello
1992 November 4

Appendix "A" referred to
in Section 1(c)(iii) of the minutes
of the Planning and Development
Committee dated 1992 November 4

SUMMARY OF ISSUES PERTAINING TO THE HAMILTON GO TRANSIT CENTRE

- GO Centre signs should be posted on the arterial roads to help keep traffic off the neighbourhood streets.
- Wheelchair access, at grade, with level crossings, should be provided in the station and at the bus terminal.
- Wheelchair access to the bus terminal at Hughson Street South and Haymarket Street should be provided.
- The heritage features of the T.H. & B. station, both its building and site, should be retained.
- Streetscape elements would include and provide for, but not limited to, the following, in a comprehensive design:
 - Tree Planting
 - Lighting
 - Planters and Planting
 - Seating
 - Signage
 - Bus Shelters and Stops
 - Public Telephones
 - Information Kiosks
 - Newspaper Boxes
 - Mail boxes
 - Wheelchair ramps
 - Drinking fountains
 - Bicycle Racks
 - Overhead Shelters
- Because of the very grave concerns regarding the location of the layover yard at Victoria Avenue, the city should initiate urgent and thorough discussions with the GO and Rail authorities, to evaluate all alternatives for the location of the layover yard.

Specific concerns regarding the layover yard are:

- night time activity at the layover yard. Concerns include the servicing of the trains at this yard, the movement of trains at night in the yard, the internal lights in the train remaining on, noise emanating from the yard from trains running at night, i.e. air conditioning, train start-up, etc..
- overpowering air pollution from the trains.
- inadequate noise attenuation measures.
- objectionable noise attenuation measures such as high walls, etc.
- light pollution from security lights to adjacent properties.

- loss of privacy, due to the close proximity of bi-level trains.
- lack of security to the yard from City streets and school site.
- question of future use and operation of yard if planned expansion of service occurs.
- Noise emanating from the rail line in Corktown Neighbourhood should be mitigated through the provision of visually attractive noise barriers.
- That the Hamilton GO Centre be named the "GO Hamilton Transportation Centre".
- That an enclosed waiting area be provided for bus passengers adjacent to the bus loading area.
- That provision be made for taxi drop-off and pick-up at the rear of the station building (on Haymarket Street) to serve bus passengers.
- That GO Transit examine ways to improve passenger safety in crossing the bus platform from the waiting area to Haymarket Street and Hughson Street. The current proposal will require passengers to cross the bus platform (the area where buses drive into and out of the station) in order to access Hughson Street and Haymarket Street.
- That GO Transit incorporate the following features into the station design to provide safety and security for its passengers:
 - a) benches in the public areas of the station and the bus waiting area;
 - b) appropriate lighting in waiting areas and stairwells;
 - c) emergency telephones;
 - d) retail operations (e.g. coffee shop, newspaper kiosk) with operating hours coinciding with train and bus arrivals/departures;
 - e) information on links to other transit opportunities (e.g. Canada Coach, HSR);
 - f) a map of Hamilton to orient passengers to the City;
 - g) signs indicating access to other facilities (e.g. Copps Coliseum, Hamilton Place) in the area.
- The lack of a landscaped area at the front (north entrance to the GO Centre).
- The closest access to the bus platform and waiting area is from Haymarket Street. This area should be re-evaluated as it is the most logical drop-off point for passengers accessing the bus platform.

Appendix "B" referred to
in Section 2B(a)(i) of the minutes
of the Planning and Development
Committee dated 1992 November 4

REASONS FOR DESIGNATION

FORMER DOMINION PUBLIC BUILDING, 10 John Street South (HAMILTON COURTHOUSE)

Context

The Dominion Public Building was erected in 1935-6 on John Street South between King and Main Streets to serve as Hamilton's main Post Office and federal office building. Located on a major site in the downtown core, the front facade of this monumental six-storey edifice faces John Street; its south facade is an integral part of the Gore Park streetscape and its north facade faces the grounds of the present Courthouse. As such, 10 John Street is recognized as an important city landmark.

Historical Significance

Erected on the site of the earlier 1886 Post Office, the new Dominion Public Building was built to accommodate not only the post office but also customs and excise, national health, immigration and various other federal departments, all brought together for the first time in Hamilton under one roof.

The main Post Office was located in this building for over fifty years, closing in 1991, when the Province of Ontario purchased the building for conversion to a new court facility, consolidating the Provincial and General Division courts.

The John Street building belongs to the group of large office blocks built by the Federal Government across the country during the 1920s and '30s; the Hamilton structure was erected as part of a Depression works program introduced by the government in 1934 under the Public Works Construction Act.

Architectural Significance

Hamilton's Dominion Public Building has been ranked as one of the three best examples of the large federal public buildings which were erected across Canada between 1934 and 1939.

In accordance with the government's current policy, a local architect rather than the Public Works Architect was commissioned to design the building. The Hamilton firm of Hutton and Souter, well known for other major works such as the Cathedral of Christ the King, provided the plans.

In terms of the architectural style, Hutton and Souter's design can be described as "modern classical", used also in the five other federal buildings erected at this time. Classical inspiration is visible in the use of pilasters, engaged columns, symmetry, the rectangular block form, and the general horizontal divisions of base, shaft and cornice.

These traditional elements, however, are given contemporary expression, typified in the use of smooth, crisp plans; bold, simply masses; and contrasting linear-patterned ornamentation which accentuates the main architectural features of the building.

This richness of decorative detailing is found throughout the building; on the exterior in the stone ornamentation at the cornice and belt-course the crowing narrative relief of the frontispiece, in the coat-of-arms over the front door, as well as the bronzework of the window and door panels; and on the interior by the use of marble wainscoting and flooring, as well as bronze grillwork, mosaics and painted ceiling.

The Hamilton building is considered to have the finest interior of any federal post office building erected from the mid-to-late 1930s. The main entrance, postal and elevator lobby areas and the main stairwell demonstrate the extensive use of costly materials and quality craftsmanship.

Designated Features

Important to the preservation of the Dominion Public Building are the original features of the east (main, north, and south facades, including the masonry work, windows, doorways and all ornamental decoration; and the interior spaces of the entrance, postal and elevator lobby areas and main stairwell, including all original decorative elements such as the marble cladding and flooring, bronze decorative work on doors and windows, painted ceiling, light fixtures and mosaic.

Appendix "C" referred to
in Section 2E(b) of the minutes
of the Planning and Development
Committee dated 1992 November 4

**CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE MEMBERSHIP
1992 - 1994**

Alderman Wm. McCulloch
Russell Elman
Gil Simmons
Robert Brough
Gloria DeSantis
James C. Drake
John Eyles
Ronald Faichney
Maggie Fischbuch
Greg Gouthreau
Gerry Kennedy
Arthur Lomax
Carol Mason
John Nolan
Kay Nolan
Mary Pocius
Bruce Rankin

Alderman, Ward 2
Chairperson
Vice-Chairperson
LACAC
Social Planning and Research Council
Beasley Neighbourhood Association
McMaster University
Senior Citizens Council - City of Hamilton
Citizen Member
Downtown B.I.A.
Metropolitan Hamilton Real Estate Board
Hamilton Automobile Club
Hamilton School Board
Citizen Member
Hamilton-Wentworth Separate School Board
International Village B.I.A.
Hamilton Society of Architects

Appendix "D" referred to
in Section 4(a) of the minutes
of the Planning and Development
Committee dated 1992 November 4

The following is a list of recommendations to the Sewell Commission in response to proposals in the September, 1992 issue of New Planning News:

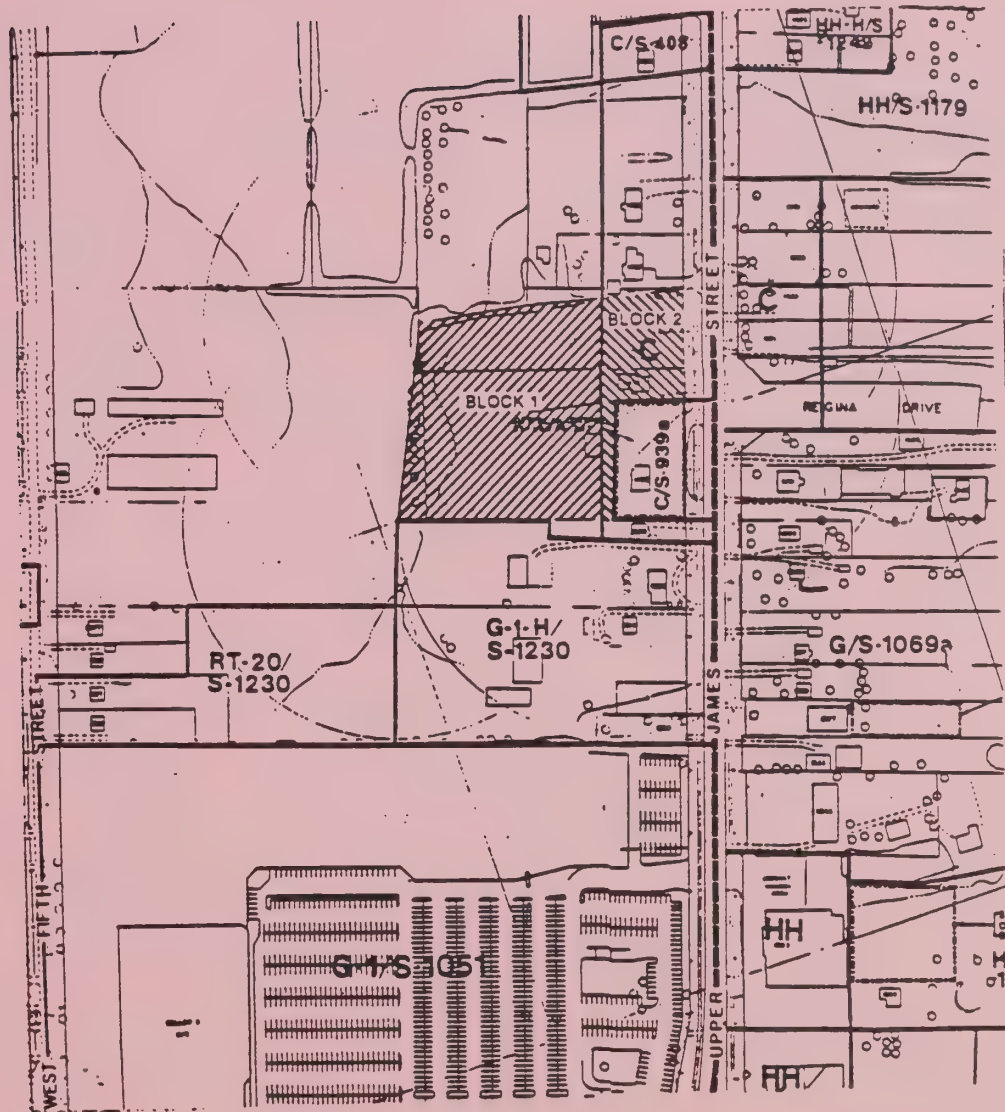
1. *Provide more detail on the roles and responsibilities of the proposed Provincial policy committees with respect to policy implementation.*
2. *Clearly identify the role of special planning committees in Provincial planning.*
3. *The City re-affirm its position that planning should be done at the level of government closest to the public and therefore more accountable. Therefore, upper tier municipalities should be responsible for developing policies for matters only within their jurisdiction.*
4. *Provide more emphasis on planning for social and economic change, and on transportation and infrastructure planning in the list proposed for required contents of upper and lower tier plans. In addition, the proposal to have 'state of the environment' reports prepared should be not be mandatory for lower-tier municipalities, where such reports are prepared by the upper-tier.*
5. *Recommend that the Province take the lead in defining and developing a geographical information system(s) that would meet the needs and be accessible to the municipalities for environmental data.*
6. *Recommend that the Province take a leadership role regarding the issue of contaminated soils.*
7. *Provide details regarding which legislation the Infrastructure Design and Mitigation Process falls under; the official status of the proposed transportation and infrastructure plans; and, how and when a project becomes subject to the Environmental Assessment Act.*
8. *Clearly identify who is responsible for watershed plans, the difference between watershed studies and watershed plans, and funding responsibilities.*

9. *Continue to investigate creative ways to improve the development process as stated in the City's submission in February, 1992 as follows:*

"investigate creative ways to improve the development process such as: modifying the notification requirements for Official Plans to be consistent with zoning by-laws; allowing for conditional approvals (e.g. zoning, site plan approval) with a time limit; introducing a time limit for submissions of appeals where Council denies an application; allowing for conditional uses subject to fixed rules/criteria; giving circulated agencies, particularly the Provincial departments, a specific time period to comment on applications; accountability for decisions should be at the lowest level (i.e. Council) with fewer referrals to the Ontario Municipal Board (only where there is a declared Provincial interest); delegating approval process for minor applications (e.g. conversion, parking lots) by a sub-committee or appointed municipal representative".



10. *Whether regulations such as density and uses would fall under site plan control as opposed to the zoning by-law.*
11. *Ensure, where there is no objection, that removal of the 30 day appeal period does not circumvent due process.*

Appendix "E" referred to
in Section 5A of the minutes
of the Planning and Development
Committee dated 1992 November 4



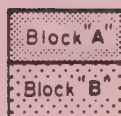
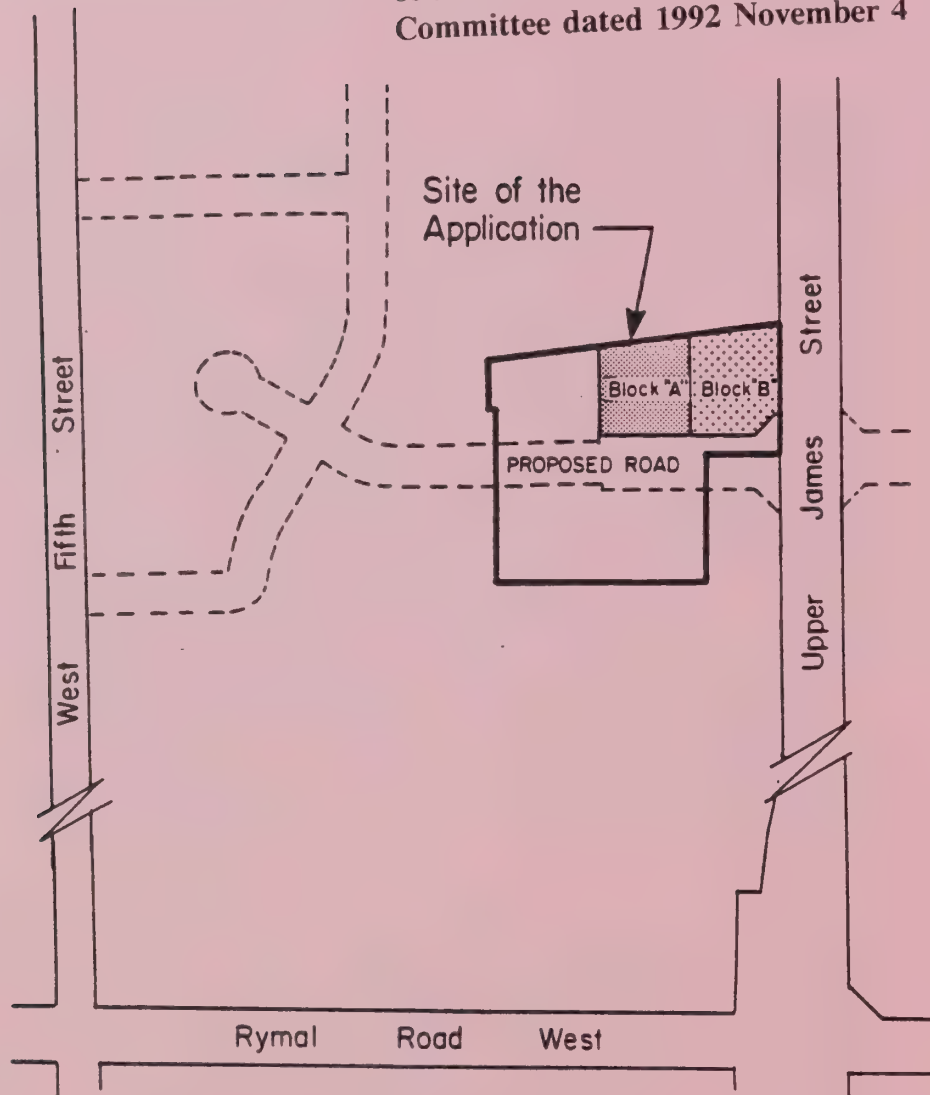
Legend

Proposed modification to the established:

- | | | |
|---------|---|---|
| BLOCK 1 |  | "AA" (Agricultural) District regulations. |
| BLOCK 2 |  | "C" (Urban Protected Residential, etc.) District regulations. |



Appendix "F" referred to
in Section 5C of the minutes
of the Planning and Development
Committee dated 1992 November 4

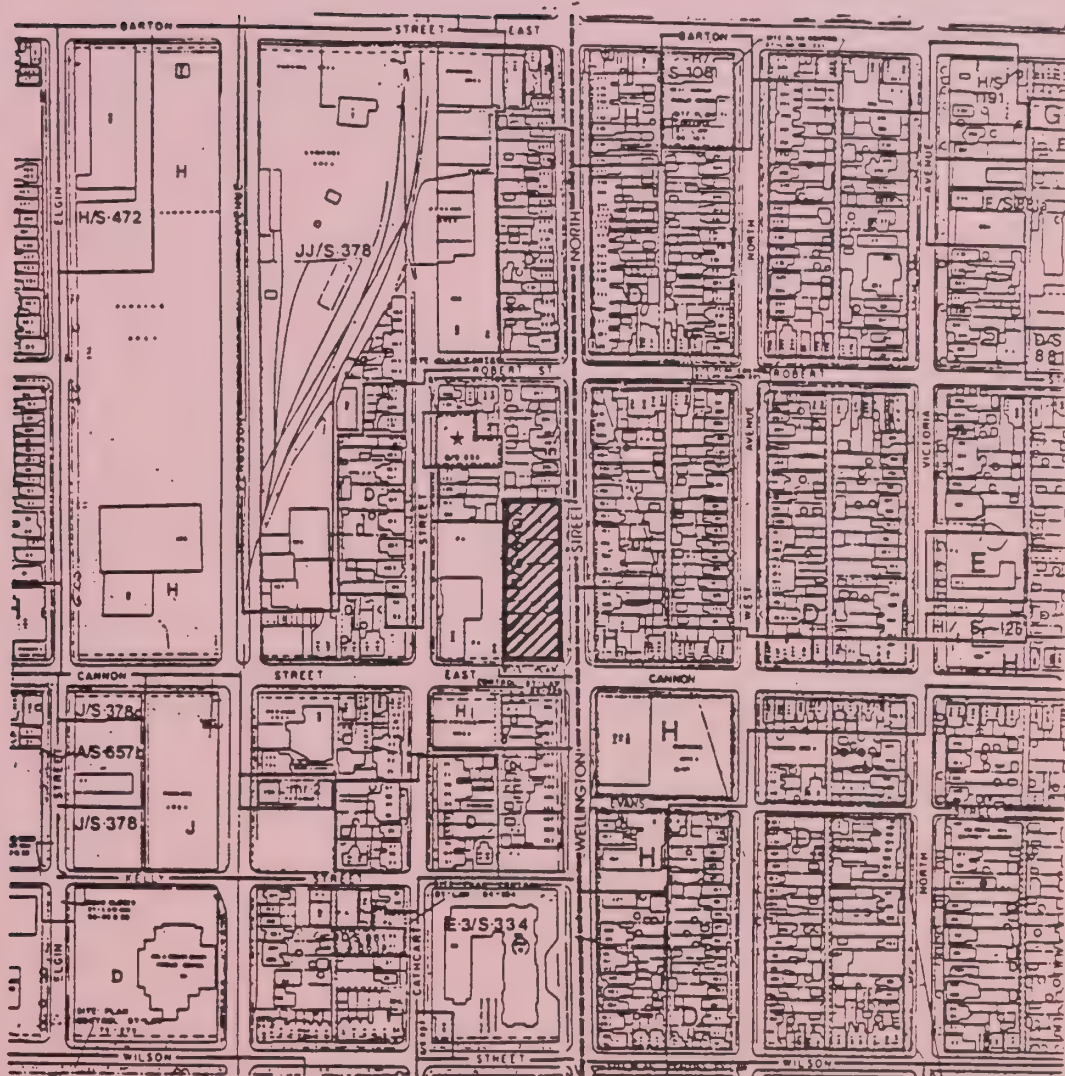


Legend

Proposed Modification to the established "AA" (Agricultural) District Regulations

Proposed Modification to the established "C" (Urban Protected Residential, etc.) District Regulations

Appendix "G" referred to
in Section 6 of the minutes
of the Planning and Development
Committee dated 1992 November 4



Legend

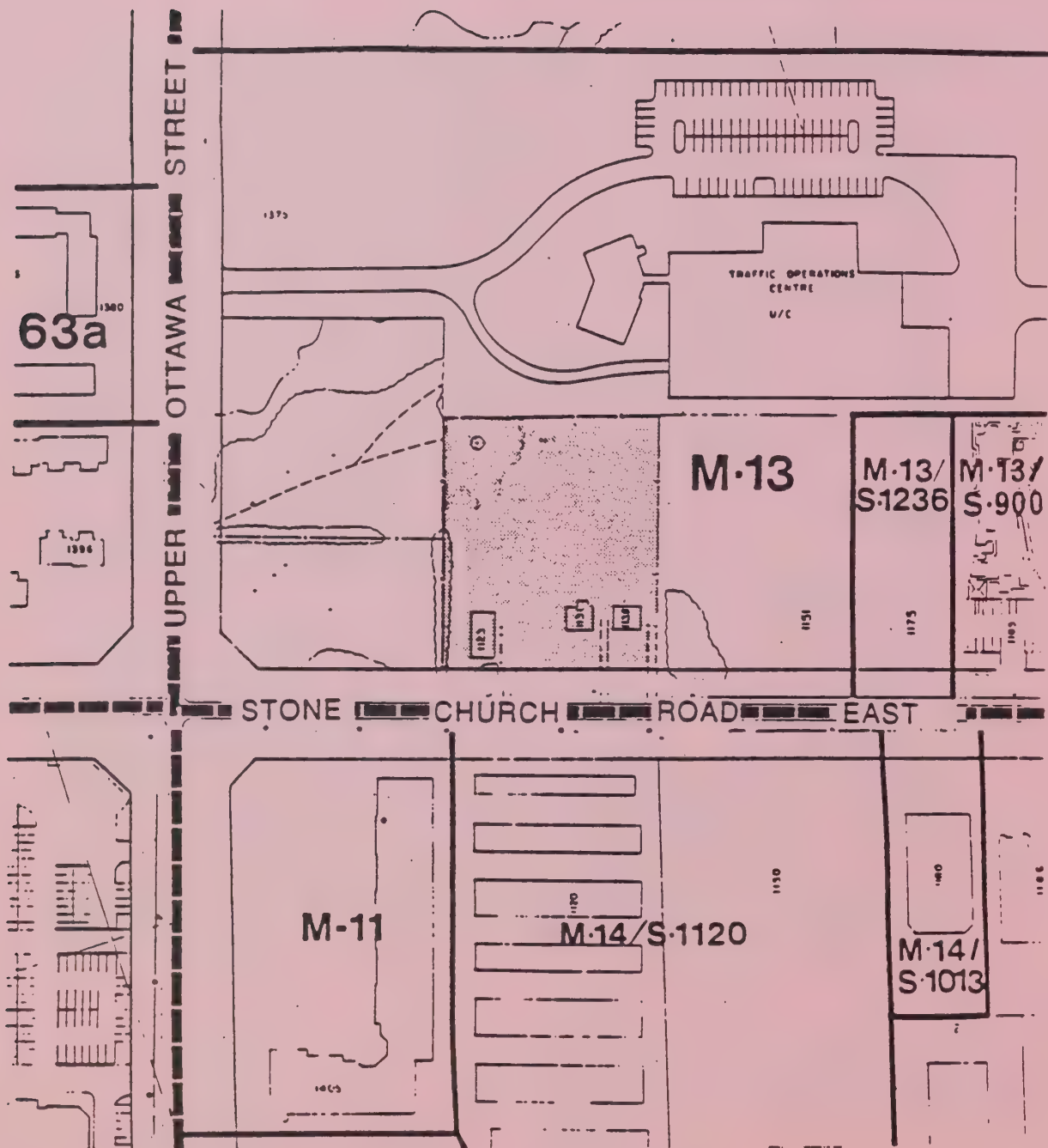


Site of the Application



2492-36

Appendix "H" referred to
in Section 7 of the minutes
of the Planning and Development
Committee dated 1992 November 4



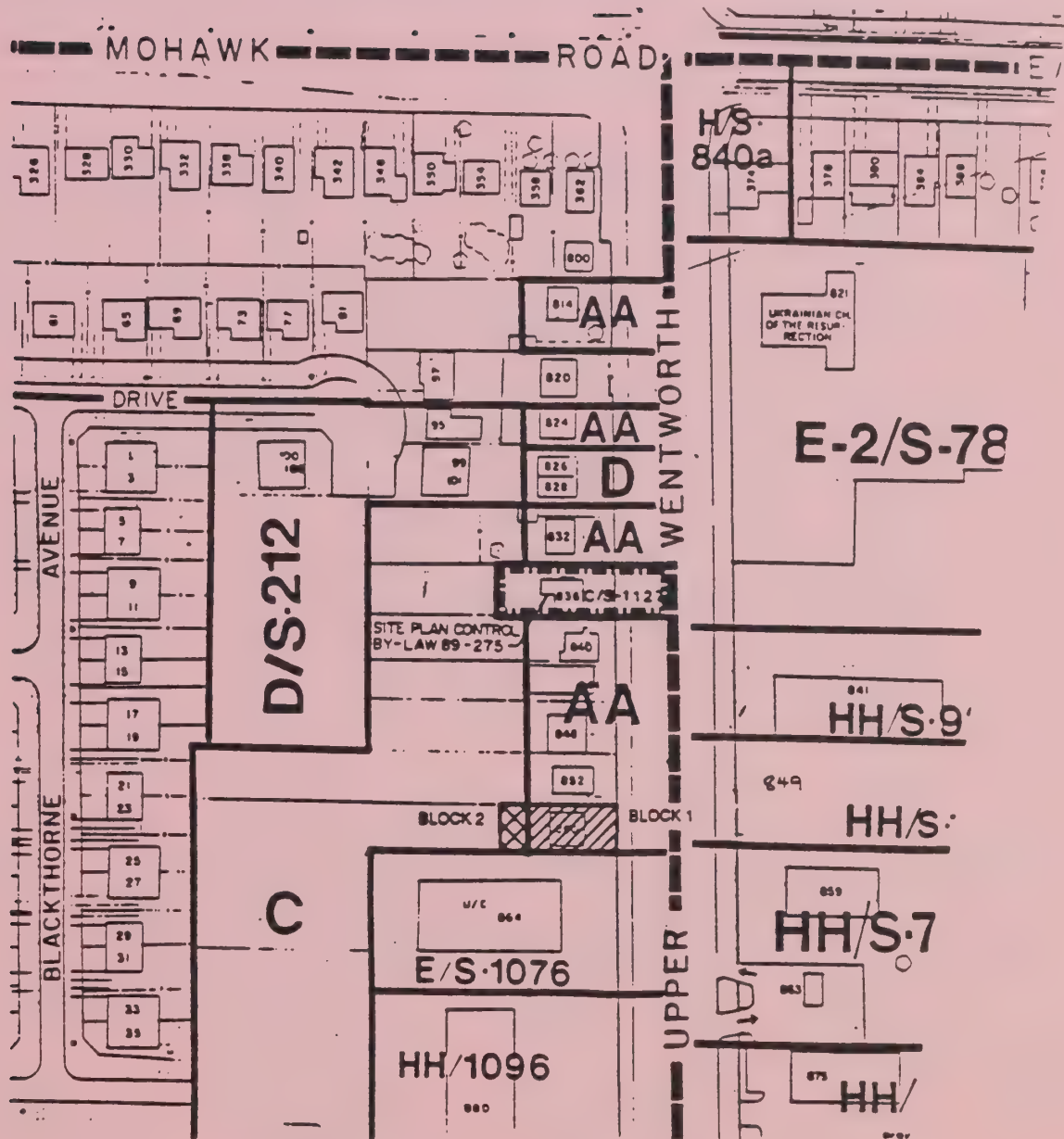
Legend





Site of the Application



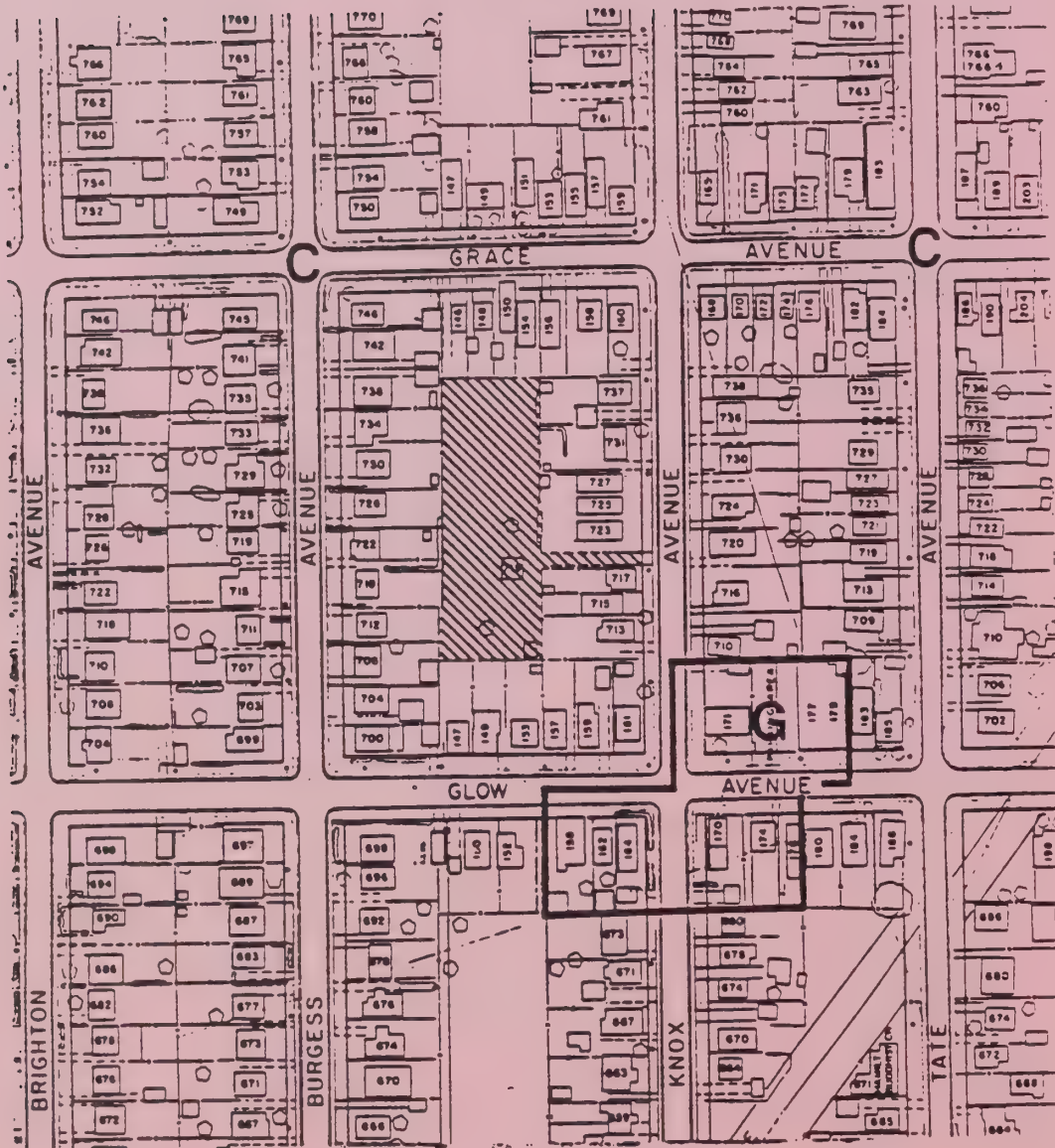
Appendix "I" referred to
in Section 8A of the minutes
of the Planning and Development
Committee dated 1992 November 4



Legend

- | | | |
|---------|---|--|
| BLOCK 1 |  | Proposed change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, modified. |
| BLOCK 2 |  | Proposed modification to the established "C" (Urban Protected Residential, etc.) District regulations. |

Appendix "J" referred to
in Section 9A of the minutes
of the Planning and Development
Committee dated 1992 November 4



Legend



Site of the Application



Ba)

**CITY OF HAMILTON
- RECOMMENDATION -**

RECEIVED

NOV 09 1992

CITY CLERKS

DATE: 1992 November 4
S723-60 P. Strong

REPORT TO: Mrs. T. Agnello, Secretary
Planning and Development Committee

FROM: E. M. Gill, P. Eng.
Senior Director
Roads Department

SUBJECT: "WISEMOUNT ESTATES - PHASE 1", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

RECOMMENDATION:

That the City of Hamilton accept the sum of \$ 11,356.00 as a cash payment in lieu of the 5% land dedication in connection with Wisemount Estates - Phase 1, Hamilton, located in the Lisgar Neighbourhood on the west side of Upper Kenilworth Avenue, between Landron Avenue and Limeridge Road East, being the cash payment required under Section 51 of the Planning Act.



E. M. Gill, P. Eng.

cont'd...

DATE:1992 November 4

**"WISEMOUNT ESTATES - PHASE 1", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)**

cont'd...

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no financing costs associated with this report.

BACKGROUND:

The owner of Wisemount Estates - Phase 1 (ADISCO LIMITED IN TRUST) will be executing a Subdivision Agreement with the City of Hamilton in the near future. A copy of the Final Plan of Subdivision has been attached for your information.

In accordance with normal City procedure, City and Regional Staff have completed calculations for the cash payment in lieu of the 5% parkland dedication. The sum to be included in the subdivision agreement has been calculated to be \$ 11,356.00.

The lands of Wisemount Estates - Phase 1 are located on the west side of Upper Kenilworth Avenue between Landron Avenue and Limeridge Road East in the Lisgar Neighbourhood.



PS
encl.

cc: D. Cobb, City Treasury
cc: R. Buckle, City Real Estate Department

Bb)

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

OCT 30 1992

CITY CLERKS

DATE: 1992 October 29
S705-33 P. Strong

REPORT TO: Mrs. T. Agnello, Secretary
Planning and Development Committee

FROM: E. M. Gill, P. Eng.
Senior Director
Roads Department

SUBJECT: "EDAN HEIGHTS - PHASE 3", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

RECOMMENDATION:

That the City of Hamilton accept the sum of \$ 9,180.00 as a cash payment in lieu of the 5% land dedication in connection with Edan Heights - Phase 3, Hamilton, located in the Butler Neighbourhood on Acadia Drive, south of Stone Church Road East and west of Upper Sherman Avenue, being the cash payment required under Section 51 of the Planning Act.



E. M. Gill, P. Eng.

cont'd...

-Page 2-

DATE:1992 October 29

**"EDAN HEIGHTS - PHASE 3", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)**

cont'd...

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no financing costs associated with this report.

BACKGROUND:

The owner of Edan Heights - Phase 3 (603976 Ontario Limited) will be executing a Subdivision Agreement with the City of Hamilton in the near future. A copy of the Final Plan of Subdivision has been attached for your information.

In accordance with normal City procedure, City and Regional Staff have completed calculations for the cash payment in lieu of the 5% parkland dedication. The sum to be included in the subdivision agreement has been calculated to be \$ 9,180.00.

The lands of Edan Heights-Phase 3 are located on Acadia Drive, south of Stone Church Road East and west of Upper Sherman Avenue in the Butler Neighbourhood.



PS
encl.

cc: D. Cobb, City Treasury
cc: R. Buckle, City Real Estate Department

RECEIVED

CITY OF HAMILTON

NOV 11 1992

- RECOMMENDATION -

C.

DATE: CITY CLERKS
1992 November 10

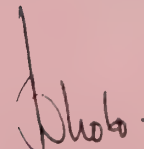
REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo
Director of Public Works

SUBJECT: International Village Business Improvement Area;
Expansion of Boundaries.

RECOMMENDATION:

- a) That Item 2 (a), (b) and (c) of the Eighteenth Report of the Planning and Development Committee approved by City Council on 1992 October 27 be amended to read:
- (a) That the International Village Business Improvement Area boundaries be expanded to include the following:
- both sides of King William Street from Mary to Wellington Streets
 - the east side of Mary Street from King to King William Streets
 - both sides of Ferguson Avenue from King to King William Streets
 - the west side of Wellington Street from King William to Main Street
 - Spring Street between King and Main Streets; and,
- (b) That the City Clerk's Department be authorized and directed to circularize the existing BIA membership and the proposed expansion area with the notice of intent to expand the boundaries of the BIA and pass a new by-law in accordance with Section 220 of the Municipal Act; and,
- (c) That the Law Department be authorized and directed to prepare the necessary by-law.



Mr. D. Lobo, Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The City's Law Department has informed the Community Renewal Section that their interpretation of Section 220 of the Municipal Act is that the existing by-law designating the B.I.A. must be repelled once a new by-law is in place that includes the expanded boundaries. An amendment to the by-law is not acceptable. The Ministry of Municipal Affairs has confirmed this.

c.c. Ms. P. Noe Johnson, City Solicitor
Law Department

Mr. A. Ross, City Treasurer
Treasury Department

Da)

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

NOV 11 1992

CITY CLERKS

DATE: November 10, 1992

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: CITY OF HAMILTON HERITAGE PROGRAMME
235 BOWMAN STREET, HAMILTON (92.2.4.2.1.A)

RECOMMENDATION:

That a repayable loan under the Community Heritage Trust Fund in the amount of fifty thousand dollars (\$50,000) be approved for John J. Ross, in Trust, for the Hamilton Hebrew Academy, 235 Bowman Street, Hamilton. The interest rate will be six per cent, amortized over 10 years with a monthly payment of \$555.10.



L.C. King, P. Eng.
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Building Department, Loans Division, has been approached by the Hamilton Hebrew Academy for assistance under the Community Heritage Trust Fund Programme. The Programme, when first designed, limited the grants to a maximum of \$20,000, but was noted that in special cases based on extraordinary Heritage merit, this ceiling would be flexible. The Building Department, Loans Division, and L.A.C.A.C. both agree that the Hamilton Hebrew Academy falls into this category.

Tina Agnello, Secretary
Planning and Development Committee

- 2 -

November 10, 1992

The cost of the work, as well as its eligibility, have been approved by the City's Building Department and L.A.C.A.C. The Building Department, Loans Division, therefore, recommends that a Designated Property Grant be awarded in the amount of \$3,000, and a Community Trust Fund Loan in the amount of \$50,000 at 6 per cent interest be approved. The monthly payments will be \$555.10 amortized over 10 years.

c.c. R. Camani, Treasury Department

Db)i)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: November 9, 1992

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

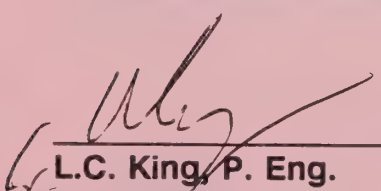
FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
17 CROSTHWAITE AVENUE NORTH - Tag Number 88045
(92.1.1.A)

RECEIVED
NOV 11 1992
CITY CLERKS

RECOMMENDATION:

That the Building Commissioner be authorized to not issue a demolition permit for 17 Crosthwaite Avenue North.



L.C. King, P. Eng.
LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C (Residential)

PRESENT USE: Single Family Dwelling (assumed)

PROPOSED USE: Parking Lot

BRIEF DESCRIPTION: 1½ storey brick veneer, wood frame dwelling

Our Department does not recommend that this house be demolished. It is in a residential zone and owned by the abutting hotel on the northwest corner of Main Street East and Crosthwaite Avenue North formerly known as the Driftwood Tavern. The proposed use is parking for the hotel which is contrary to the Zoning By-Law. The applicant has been advised to contact the Planning and Development Department for a zoning change.

The owner of the property as per the demolition permit is:

Gage Public House Ltd.
105 Beach Road
Hamilton, Ontario

0 b > ii >

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

NOV 11 1992

CITY CLERKS

DATE: November 9, 1992

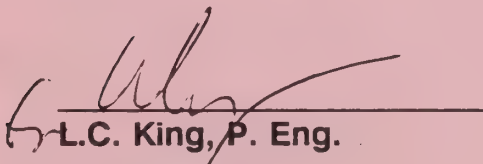
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
122 PROVINCE STREET NORTH
(92.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 122 Province Street North.


L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: D (Residential)

PRESENT USE: Single Family Dwelling (Assumed)

PROPOSED USE: Not Specified

BRIEF DESCRIPTION: 2 storey wood frame dwelling

Demolish 2 storey frame dwelling. The Property Department, Real Estate Division, reports major concerns with respect to the structural condition of the house. No LACAC interest. Lot size 15.9' x 100'.

The owner of the property as per the demolition permit is:

The Corporation of the City of Hamilton

CITY OF HAMILTON

- RECOMMENDATION - RECEIVED

NOV 11 1992

CITY CLERKS

DATE: November 9, 1992

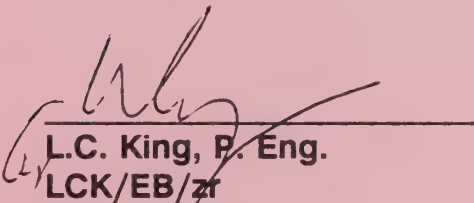
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
547 WILSON STREET - Tag Number 88026
(92.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 547 Wilson Street.


L.C. King, P. Eng.
LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: D/S-1276

PRESENT USE: Single Family Dwelling (Assumed)

PROPOSED USE: Addition to bakery and parking

BRIEF DESCRIPTION: 2 storey double brick dwelling

Owner wishes to demolish dwelling to build a small addition to the existing bakery and provide a parking area. This is under Site Plan Control By-Law 92-190 and is being developed with the approval of the Planning Department. No LACAC interest. Lot size 25.5' x 81.5'.

The owner of the property as per the demolition permit is:

DeRosa Bakery
549 Wilson Street
Hamilton, Ontario

E.

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

NOV 11 1992

CITY CLERKS

DATE: 1992 October 28

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

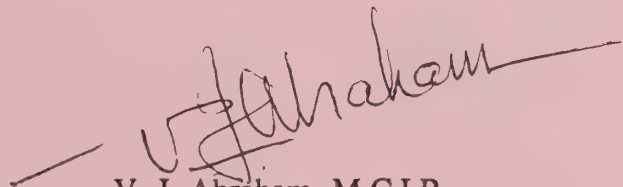
SUBJECT: Grant Agreement with the Minister of Culture and Communications re: the Durand-Markland Heritage Conservation District Report

RECOMMENDATION:

That the Mayor and City Clerk be authorized to sign the standard Grant Agreement required by the Minister of Culture and Communications for the transfer of funds to the City for the Durand-Markland Heritage Conservation District Study and Plan.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

1. On Sept.2, 1992, the Ministry of Culture and Communications forwarded three copies of the Grant Agreement to be signed by the City in order to receive the \$ 12,000. grant to assist in the preparation of the Durand-Markland Heritage Conservation District Study and Plan.
2. The Planning Department and the Law Department have reviewed the grant agreement and have found it satisfactory.

Fal

CITY OF HAMILTON

- INFORMATION -

RECEIVED

NOV 11 1992

CITY CLERKS

DATE: 1992 November 10
CI-91-I

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: *Mobile Signs Regulations - Information Report*

BACKGROUND:

Purpose

This study was undertaken in response to growing concerns regarding mobile signs in the City. Mobile signs are regulated in the zoning by-law for those signs that have had the wheels removed from the trailer chassis and are supported on metal legs. Such signs are deemed to be ground signs, and the requirements of the Zoning By-law apply. Enforcement is on a complaint basis only. Mobile signs with wheels attached are considered "vehicles" and are not regulated in the Zoning By-law or by by-law passed under the Municipal Act. Further, mobile signs are prohibited on municipal road allowances in the City's and Region's Streets By-laws. Enforcement, on a complaint basis, is done by the Hamilton-Wentworth Roads Department.

Some of the typical concerns with mobile signs include:

- detracts from the streetscape/aesthetics;
- signs located within the site lines of an access drive, sidewalk or building can be a traffic visibility hazard;
- opportunities for vandalism such as changing the letters, flat tires, or rocks being thrown at them;

- conflicts with required landscaping. Some are placed on landscaped strips or directly on plant material thereby minimizing the positive quality of the landscaping;
- many become "permanent" signs rather than temporary;
- electrical cords often pose dangers to pedestrians as they are strung along the sidewalk or parking areas and often they are not maintained;
- occupying parking spaces (sometimes required parking) and/or impeding on-site manoeuvrability;
- flashing lights can cause distractions to passing motorists; and,
- many are illegally parked on the road right-of-way.

Areas of Study

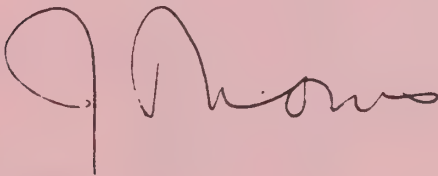
Major features of the study include:

- an in depth review of Provincial (Planning Act and Municipal Act) and Municipal legislation (Hamilton Streets By-law) and other initiatives effecting mobile signs;
- a survey of 13 municipalities (Brampton, Milton, London, Oakville, Cambridge, North York, Burlington, Ottawa, Kitchener, Stoney Creek, Etobicoke, Scarborough and Mississauga). Of note is that mobile signs are prohibited in Etobicoke, Mississauga and Scarborough. All other municipalities regulate mobile signs under the Municipal Act. Other areas addressed in the survey included: various regulations governing mobile signs (see chart attached) such as: location, number, size, permit fee, time limitations, special restrictions, etc. and problems encountered ie. enforcement;
- site visits and photographic examples of mobile signs throughout the City;
- preliminary discussions with various City and Regional Departments on different aspects of mobile signs and their regulation; and,


the development of four to five options or courses of action the City could take with respect to regulating mobile signs ranging from the present position of existing regulations (ie. enforcement under the Region's and Hamilton Streets By-law) to prohibiting them completely. The advantages and disadvantages of each would be addressed including: financial costs/benefits; administration; aesthetics and image; safety; etc. A staff position would be identified.

Process

The bulk of the background research has been completed. It is anticipated that a draft report will be circulated to City and Regional Departments by the end of November. A final report (as noted above) will be prepared in December and presented to Planning and Development Committee in early January. The report will recommend that the findings of the study including the options be subject to full public participation, including a open house/public meeting in early February.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V. J. Abraham, M.C.I.P.
Director of Local Planning



CF/
CI91I

Survey of Mobile Sign Regulations

	Brampton	Millton (existing/draft proposed)	London	Oakville	Cambridge	North York	Burlington (existing\draft proposed)	Ottawa	Kitchener (draft)	Stoney Creek
Locations Permitted (Zones, Land Uses)	Not restricted	Residential, industrial & commercial zones	All zones with some limitations	Commercial & Industrial zones	Institutional & commercial zones	All zones	Service stations commercial & Industrial uses	Commercial, Industrial & Institutional zones	Commercial, Industrial & business parks zones but not downtown	Motor vehicle service station & new/relocating business only
Number Permitted	1/lot except shopping centres have 1 on each side of lot	1/street frontage	1/street frontage max. 3 for multi-occupants - min. 10m frontage	1/frontage	1/site	None specified	1/property or frontage for shopping centre	1/occupancy/street frontage	Not specified	1/business
On Site Location Restrictions	Not to interfere with vehicular/pedestrian traffic. Prohibited in required parking	Not obstruct traffic signal or door window, fire escape	1.5 m of lot line 3m access drive 10m residential unless sign face reduced	Minimum 3m from property line of residential zone Not permitted in required parking	Min. 3m to street or lot line	5m from driveway or other sign or 15m from corner of two streets	No to interfere pedestrian/traffic min. 1.5m to street line	Min. .3m to lot line Min. 15m to sign Min. 10m to traffic light	Min. .4 to lot line Min. 10m to traffic light, other sign or 50m to mobile on same lot	Min. 5m to street line
Time Limits	Twice/yr Max. 14 days each	Max. 30 days with 30 days between	30 days max. 210 days/year	Max. 14 days 90 days between	Max. 30 days Max. 180/year	Max. 30 days 90 days between	Max. 2 14 day time periods/yr	Max. 30 days/yr per occupancy	30 or 60 days max.60 days/yr	Max. 30 days/property
Size Restrictions	Maximum 10m2	Maximum 10m2 Residential 1m2	Maximum 6m2	Maximum 6.7m2	Max. 6.7m2	Max. 4.7m2	Max. 3.7m2	Max.5.6m2	Max. 6.7m2	Max. 4m2
Fishing Lights	Prohibited	Prohibited	Prohibited	Prohibited		Prohibited	Prohibited	Prohibited	Restrictions	Not permitted within 60m residential
Permit Fees		\$25 illuminated \$10 non-illuminated for the 1st 8 m2 &\$20/m2	\$50	\$25 +\$100 deposited if refunded after sign removed		\$70	\$100			
Special Purpose Limitations	Opening new business sale on closing business	Off site signs not permitted Residential signs restricted		Change in use occupancy or owner, special or closing sale,etc.	Public event Opening/reopening of seasonal business	Opening new business or sale for business closing		New or relocating businesses only	New/relocating business only	

Notes: 1) Mobile signs are prohibited in: Etobicoke, Scarborough, Mississauga
2) Where Mobile signs are permitted, they are regulated by the Municipal Act

CITY OF HAMILTON

- INFORMATION -

RECEIVED

NOV 11 1992

CITY CLERKS

DATE: 1992 November 10

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Approved Site Plan Control Application

BACKGROUND:

The following Site Plan Control Application was approved by the Chairman of the Planning and Development Committee and the Alderman of the Ward.

DA-92-33 - 114 Main Street West

JPS/ma

CITY OF HAMILTON

- INFORMATION -

RECEIVED

NOV 02 1992

CITY CLERKS

DATE: 1992 October 23

REPORT TO: Susan K. Reeder, Secretary
Finance and Administration Committee

FROM: Allan C. Ross
Treasurer

SUBJECT: SUMMARY OF REVENUES AND EXPENDITURES
FOR THE NINE MONTHS ENDED SEPTEMBER 30,
1992 COMPARED WITH BUDGET

BACKGROUND:

Attached is a Summary of Revenues, (Pages 1 and 2) and a Summary of Expenditures by Standing Committee (Page 3) for the period ended September 30, 1992, comparing budget actual for 1992 and also comparing the current percentage of actual to budget with the previous year's percentage.

I am sending a copy of this report along with the appropriate financial information to the respective secretaries of the other three standing committees, and special committees, for their review. Each committee report contains Treasury comments.

REVENUES

Pages 1 and 2 - Page 2, Revenues in total for 1992 are slightly higher than 1991, 98.2% vs. 96.4%, however, the position through to year end appears to be stable. However, due to the recession and economic downturn coupled with high unemployment, there is a financial impact on short term investments. I anticipate a deficit in short term investment revenue. Any short fall in short term investment revenue will be offset by interest and penalties revenue from overdue taxes.

EXPENDITURES

Page 3, Total City Expenditures for 1992 expressed as a percentage of the total approved budget are slightly lower than 1991, 75.3% vs. 76.3%, however, the position through to year end appears to be stable.

Susan K. Reeder, Secretary
Finance and Administration Committee
1992 October 23 - Page 2

EXPENDITURES - Continued

Staff continue to monitor the status of City revenues and expenditures on a monthly basis, and will report to the Finance and Administration Committee on the projected year end status later in 1992.



Allan C. Ross, Treasurer

MBCS:jc
Attachments

- c.c. T. Agnello, Secretary, Planning and Development Committee
 K. Christenson, Secretary, Parks and Recreation Committee
 K. Christenson, Secretary, Transport and Environment Committee
 S. Dembe, Secretary, Hamilton-Scourge Committee
 D. Carson, Executive Assistant to Mayor

CITY OF HAMILTON
TREASURY

SUMMARY OF CITY REVENUES FOR THE PERIOD ENDED SEPTEMBER 30, 1992

DESCRIPTION (1)	APPROVED BUDGET (2)	REVENUE TO DATE (3)	PERCENT REVENUE TO DATE CURR YR (4)	PERCENT REVENUE TO DATE PREV YR (5)	BALANCE (6)
PREVIOUS YEAR SURPLUS	500,000	500,000	100.0	100.0	0
TAXATION					
1992 LEVY	423,223,230	423,223,214	100.0	100.0	16
SUPPLEMENTARY	4,793,800	3,356,749	70.0	86.0	1,437,051
SPECIAL ASSESSMENTS	8,085,920	8,137,888	100.6	101.8	(51,968)
TOTAL TAXATION	436,102,950	434,717,851	99.7	99.9	1,385,099
OTHER REVENUES					
GRANTS, SUBSIDIES	35,307,550	32,970,982	93.4	86.6	2,336,568
TRANSFER FROM RESERVES	568,240	568,240	100.0	100.0	0
FINANCIAL	509,130	552,067	108.4	87.0	(42,937)
TOTAL OTHER REVENUES	36,384,920	34,091,289	93.7	87.1	2,293,631

CITY OF HAMILTON
TREASURY

SUMMARY OF CITY REVENUES FOR THE PERIOD ENDED SEPTEMBER 30, 1992

DESCRIPTION (1)	APPROVED BUDGET (2)	REVENUE TO DATE (3)	PERCENT REVENUE TO DATE CURR YR (4)	PERCENT REVENUE TO DATE PREV YR (5)	BALANCE (6)
USER FEES					
CITY CLERK	1,413,520	1,244,291	88.0	83.0	169,229
TREASURY-Interest, Tax Penalty	9,187,110	7,795,417	84.9	79.3	1,391,693
PLANNING	111,600	56,985	51.1	66.3	54,615
REAL ESTATE AND PROPERTY AND MAINTENANCE	868,340	656,689	75.6	79.3	211,651
FIRE	94,700	61,817	65.3	87.0	32,883
BUILDING	2,405,100	1,569,177	65.2	55.6	835,923
LOCAL ROADS - REGION	46,670	34,769	74.5	68.3	11,901
STREETS AND SANITATION	584,820	510,038	87.2	97.2	74,782
CEMETERIES	1,223,690	881,016	72.0	56.0	342,674
FLEET SERVICES	34,810	30,442	87.5	0.0	4,368
RECREATION & COMMUNITY SERVICES	4,106,170	3,200,063	77.9	87.9	906,107
CULTURE	273,300	192,262	70.3	60.7	81,038
TRAFFIC	3,310,700	2,307,660	69.7	68.2	1,003,040
TOTAL USER FEES	23,660,530	18,540,626	78.4	74.7	5,119,904
REPORT TOTAL	496,648,400	487,849,766	98.2	96.4	8,798,634

CITY OF HAMILTON
TREASURY

PLANNING AND DEVELOPMENT COMMITTEE

CURRENT ESTIMATES OF THE PLANNING AND DEVELOPMENT COMMITTEE
FOR THE PERIOD ENDED SEPTEMBER 30, 1992

DESCRIPTION (1)	APPROVED BUDGET (2)	OUTSTANDING COMMITMENTS (3)	EXPENDITURES TO DATE (4)	TOTAL (5)	PERCENT CURR YR (6)	EXPENDED PREV YR (7)	BALANCE (8)
BUILDING	4,335,490	2,006	3,134,971	3,136,977	72.4	72.8	1,198,513
PLANNING BY REGION	2,007,610		1,506,545	1,506,545	75.0	74.4	501,065
COMMITTEE OF ADJUSTMENT	11,000						11,000
HAM. HOUSING DEFICIT	2,990						2,990
	6,357,090	2,006	4,641,516	4,643,522	73.0	73.1	1,713,568

TREASURY COMMENTS: The amounts and percentages shown above are consistent with the normal operations of the departments on a basis comparative to that of the prior year. Note the percentage comparisons in columns (6) and (7).

F d)

CITY OF HAMILTON
- INFORMATION -

DATE: 1992 November 2

NOV 2 1992

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

CITY CLERK'S

FROM: P. Noé Johnson,
City Solicitor

SUBJECT: Recent Administrative Tribunal Update
Ontario Municipal Board

DISCUSSION: The following is a synopsis of representations by the Law Department before the various Administrative Tribunals since our last report in July.

(1) Zoning By-law - 87, 89, 91, 93, 95 Wellington St. N. and 216 Wilson St.

This matter was originally set to be heard in November of 1991, but was adjourned when the appellant developer failed to meet the notification directions of the Board. The hearing was subsequently rescheduled to reconvene October 15, 1992. Upon receiving the City materials for this hearing, the appellants, on the recommendation of their representative, withdrew their appeal.

(2) Consolidated Board Hearing: Lapp Property, 100 Beddoe Drive

This ongoing hearing is set to reconvene November 4, 1992. The hearing concerns a proposal by United Lands to redevelop industrial property adjacent to C.P. Rail's Aberdeen yard and a City works yard. It is anticipated that the proponent's reply evidence will span 5-7 hearing days. Final arguments for this case are expected to be made for approximately one week in late November.

(3) Rezoning Appeal: East of West 5th St. and South of Stone Church Rd. W.

This matter was first heard April 27, 1992. Upon being advised of some alleged questionable actions on the part of the appellant developer, the Board adjourned the hearing in order that an adjacent property owner could consult with his solicitor to determine whether or not he should participate when the hearing is reconvened. The hearing was recently rescheduled to reconvene January 5, 1993.

(4) Zoning By-law No. 90-286 - 79 Rymal Rd. W.

This matter was first heard May 21, 1992. The Board Member presiding over this matter requested that the zoning applicant submit a site plan approved in principle before the hearing continued. At the request of the Board, and in an attempt to satisfy area residents' concerns, representatives of the Planning and Law Departments met with the area residents to review the site plan for the property. As there are some outstanding concerns which have not been alleviated to the residents' satisfaction, this hearing has been scheduled to resume October 30, 1992.

(5) Appeal of Zoning By-law No. 91-11 - 125 Napier St. and 55 Queen St. N.

This matter concerned an appeal of a Council decision to rezone the above lands for a range of housing types and densities. The developer represented by counsel and a private planning consultant and supported by a member of the Law Department convinced the Board that the rezoning was appropriate. The Board did, however, amend the text and schedules of the by-law to ensure that building setbacks were clearly identifiable.

(6) Zoning By-law - 73 Garfield Avenue South

The owner of this property instructed his solicitor to appeal City Council's decision to deny a rezoning proposal to convert an existing vacant office building to a 14-unit apartment complex. With the assistance of an outside professional Planning Consultant, the City submitted that the plan represented poor planning in light of the density proposed and the substandard access to the on-site parking area. The Board heard this matter on July 29, 1992 and has reserved its decision.

(7) Zoning By-law - 1502 Main St. E.

The owner of this property instructed his solicitor to appeal City Council's decision to deny a rezoning proposal to permit a piece of land surrounded by single-family residences to be used as a parking lot. The City submitted that the proposal was unacceptable from a land use compatibility perspective and warranted dismissal by the Board. A decision for this hearing, which was held for several days in late August, is expected some time in the New Year.

(8) Zoning By-law - 172 Sanford Ave. S.

This case concerned an appeal of a City Council decision to permit a triplex use of the above property. The zoning applicant was represented by counsel, a private planning consultant and supported by a member of the Law Department.

As the evidence before the Board indicated that the property had been used as a triplex for possibly 45 years and was located on a street where almost one-third of the houses were triplexes or larger, the Board dismissed the appeal thereby confirming City Council's by-law.

(9) 280 Limeridge Road East - Appeal of Development Charges

This appeal was heard September 15, 1992. The appellant, represented by counsel, requested relief from the City's Development Charges By-law No. 90-74. At the time when the City's Development Charges By-law was passed, the appellant developer was in the process of building townhouses on the subject lands. As the developer was phasing the construction of the units and did not apply for building permits before the Development Charges By-law was passed, development charges were levied when applications for building permits were made.

With the assistance of an expert witness from the Building Department, the Law Department argued that ample opportunity and information had been made available to the development industry prior to the implementation of the City's Development Charges By-law. A decision from the Board and written reasons should be forthcoming.

(10) Committee of Adjustment Appeal: 154 Hess St. S.: Conversion

This hearing has been adjourned on two occasions at the request of the appellant and has not yet been scheduled for another hearing date. The hearing concerns an appeal of a Committee of Adjustment decision to deny the establishment of a four-unit multiple dwelling with a significant reduction in lot area, reductions in dwelling unit floor areas, and relief from the zoning by-law requirement that four parking spaces be provided on the property.

(11) Committee of Adjustment Appeal: 18 Fairleigh Ave.: Conversion

The appellant requested the Board to approve variances in required floor area and parking. The Board was requested to consider two boulevard parking spaces in lieu of the parking and manoeuvring space required under the City by-law.

In its decision denying the variances requested, the Board noted that it may have been more sympathetic to the appeal if the appellant had done some checking on the legal status of the property before acquisition.

(12) Committee of Adjustment Appeal: 23 Lottridge Street - Conversion

This matter was scheduled to be heard by the Board on July 28, 1992. The appellants arrived for the hearing and upon being apprised of the formality of the proceeding requested an adjournment in order that they might seek independent planning and legal advice. The hearing concerns an appeal of a Committee of Adjustment decision to deny a request to legally convert a single-family dwelling to a two-family dwelling with a significantly reduced lot area variance and a variance from the zoning by-law requirement that two parking spaces be provided. This hearing is scheduled to reconvene November 13, 1992.

(13) Committee of Adjustment Appeal: 848 Fennell Ave.: Encroachment

This matter was heard August 19, 1992 and involved a request to allow an accessory building which had been constructed in contravention of the setback provisions in the City's comprehensive zoning by-law as well as encroaching on a neighbouring property.

The Board held that the appellants had wilfully neglected the City's by-law and denied the request for a variance.

(14) Committee of Adjustment Appeal: 204 Stirton St. - Illegal Conversion

This case was slated to be heard August 24, 1992 and was dismissed when the appellant property owner failed to attend at the hearing.

(15) Committee of Adjustment Appeal: 64 Fairholt Rd. S. and 85 Dunsmure Rd.

This was an application to increase the number of residents living in a Residential Care Facility currently consisting of two properties located next to one another. The Committee of Adjustment denied an application to intensify the use of the premises in light of the number of variances required and the present availability of similar accommodations elsewhere. The Board confirmed the Committee of Adjustment's decision concluding that the application did not meet the statutory tests for a minor variance.

(16) Committee of Adjustment Appeal: 104 Blake Street - Conversion

Subsequent to receiving the City materials for this hearing which was set to be heard September 14, 1992, the appellants on the recommendation of their solicitors withdrew their appeal. The hearing had been scheduled pursuant to an appeal of a Committee of Adjustment decision to deny the establishment of a three-family dwelling with variances which would have eliminated the need for manoeuvring space on site for the four parking spaces required and reduce the floor area for one of the dwelling units.

(17) Committee of Adjustment Appeal: 119 Rothsay Avenue - Conversion

This matter was heard by the Board on September 23, 1992. The appellant, represented by counsel, argued that variances to permit use of the property for a duplex should have been granted by the Committee of Adjustment.

The relief requested of the Committee of Adjustment was that there be "two boulevard car parking spaces provided into the front yard rather than two on-site car parking spaces with manoeuvring."

The City argued that the variance requested before the Committee of Adjustment could not be granted as the Board did not have the jurisdiction to require the City to provide a Boulevard Parking Agreement. The Board does, however, have the jurisdiction to exempt the subject lands from the parking requirements of the zoning by-law and whether it chooses to act accordingly will be revealed once a decision is released.

CITY OF HAMILTON

- INFORMATION -

Fe)

DATE: October 27, 1992

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Feasibility of Charging Differential Fees
for Residential and Non-Residential Zoning
Verification/Property Report
(92.2.4.2.1.A and BI-92-05)

BACKGROUND:

On September 23, 1992, a report from the Building Commissioner regarding the fee for 48-hour service for Zoning Verification/Property Report was submitted to the Planning and Development Committee. At that time, the Committee passed the following recommendation:

- (a) That the Building Commissioner be authorized and directed to collect a new administrative charge being a \$120 fee for requesting 48-hour express service to obtain a Zoning Verification/Property Report;
- (b) That Building staff be directed to report back on this in 6 months, and;
- (c) That Building staff prepare a report on the feasibility of charging differential fees for residential and commercial applications.

Since the above-noted report was filed with the Planning and Development Committee, this Department has conducted a feasibility study, collecting information regarding the fee charged for zoning and property reports for residential and non-residential, by other municipalities.

Tina Agnello, Secretary

- 2 -

October 27, 1992

Based on the information we received from six (6) municipalities (Burlington, Oakville, Mississauga, Etobicoke, North York and Toronto), we wish to advise the Committee that all the above municipalities have only one fee for both residential and non-residential for zoning verification and property report, and one report covers both zoning and property information, which is similar to the City of Hamilton.

LCK/WKW/zr

Ff)

DISTRIBUTED TO THE MEMBERS OF THE PLANNING AND DEVELOPMENT
COMMITTEE - 1992 NOVEMBER 13
CITY OF HAMILTON

- INFORMATION -

DATE: 1992 November 12

REPORT TO: Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: Traffic Devices in the vicinity of Glendale Avenue North
and Primrose Avenue

BACKGROUND:

At the Planning and Development Committee meeting of 1992 October 7, Alderman Kiss requested a report regarding traffic devices in the vicinity of Glendale Avenue North and Primrose Avenue. Attached hereto please find a copy of a response to her concerns from the Director of Traffic Services.



Attach.

cc: Alderman H. Merling

CORPORATION OF THE CITY OF HAMILTON

MEMORANDUM

*****RECEIVED*****

TO: Tina Agnello, Secretary
Planning and Development Committee
City Clerk's Department

OCT 30 1992
YOUR FILE:

CITY CLERKS

FROM: Murray F. Main, P. Eng.
Director of Traffic Services
Traffic Department

OUR FILE:
PHONE: 546-4580

SUBJECT: Traffic devices in the vicinity of
Glendale Avenue North and Primrose Avenue

DATE: 1992 October 29

We refer to your memo dated 1992 October 19 in which you advised of a request by Alderman Kiss that the Traffic Department investigate various traffic matters in the area of Primrose and Glendale. We have reviewed these matters, and have the following report.

1. **Locating a School Crossing Guard in the Area**

We have reviewed this matter, and although no specific location was mentioned, we are not aware of any traffic or school child pedestrian volumes which are heavy enough to constitute a problem such that a school crossing guard would be warranted in this immediate vicinity.

2. **Locating "No Stopping" signs on Primrose**

We are not aware of the rationale for implementing "No Stopping" signs on Primrose, and in fact, prohibiting stopping in front of single family residential homes would surely result in complaints from these residents. If Alderman Kiss has any specific concerns or reasons for requesting "No Stopping" signs on Primrose, please advise and we will investigate further.

3. **Implementing Four-Way Stop Control at Glendale and Primrose**

This intersection is a four-leg intersection, and presently, northbound and southbound traffic on Glendale is required to stop for eastbound and westbound traffic on Primrose. Traffic Department records indicate that there have been only two reported collisions at this intersection over the past seven years. This is a good collision record for this type of intersection.

The Traffic Department has assessed this request and has its usual concerns respecting unwarranted all-way stop control, including the fact that there is no collision problem at this intersection, unnecessary stop signs have extremely harmful environmental affects, stop signs have no effect on the speed or volume of traffic, and unwarranted stop signs create disrespect by the motorists to the extent that the observation of stop signs is deteriorating every year. For these reasons, the Traffic Department does not recommend four-way stop control at Glendale and Primrose.

Please advise if anything further is required.

⁷
MH/jd

cc: Alderman Mary Kiss

Murray L. Main



CITY COUNCIL
HAMILTON, CANADA

PID 641
Hill St
RECEI

SEP 10

Alderman Ter
Chairman - Engi
CITY CL

2.

71 MAIN STREET WEST L8N 3T4 • (416) 546-2730 • RES. (416) 521-1087 - WARD 1

August 25, 1992

Ms. Tina Agnello, Secretary
Planning and Development Committee

Re: Hill Street - Group/Foster Homes -

Dear Ms. Agnello:

Further to the Profs note sent to you by my Assistant Ms. Kowalski regarding placement of the above-noted subject on the agenda for the next meeting of the Planning and Development Committee.

Please confirm with my office the placement of this item on the agenda.

Thank you kindly in advance for your assistance.

Yours very truly,

Terry Cooke
Alderman, Ward 1

/ck

3a)

CITY OF HAMILTON
- RECOMMENDATION RECEIVED

NOV 11 1992

DATE: 1992 November 11

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

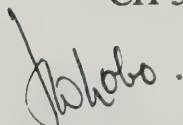
CITY CLERKS

FROM: Mr. D. Lobo,
Director of Public Works

SUBJECT: North End East and West P.R.I.D.E. Anti-Recession
Programme; Approval of Community Improvement Plan
and Financing

RECOMMENDATION:

- a) That pursuant to the citizen input received at a Public Meeting held 1992 November 04, the North End East and West Community Improvement Plan attached as Schedule 'A' be approved and submitted to the Ministry of Municipal Affairs for their approval; and,
- b) That the Law Department be authorized to prepare the necessary by-law to adopt the North End East and West Community Improvement Plan in accordance with (a) above; and,
- c) That the Public Works Department be authorized to implement the improvements to Bay Street, Guise Street and pedestrian connections to the Waterfront Parks in accordance with the Community Improvement Plan at a total estimated cost of \$400,000., 50% Provincial and 50% Municipal including all accrued interest; and,
- d) That the Finance and Administration Committee be requested to provide the matching funds of \$200,000. from the Pier 4 Park development funding Account No. CH 5200 419154007.



Mr. D. Lobo,
Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The Ministry of Municipal Affairs, under the P.R.I.D.E. Anti-Recession Programme is providing an allocation to the City of Hamilton of \$200,000. to carry out improvements to Guise Street, a portion of Bay Street, surrounding landscape and pedestrian connections to the Waterfront. Funds to match the Provincial allocation are available in Account No. CH 5200 419154007 (Pier 4). Therefore no additional funding is required.

Unlike other P.R.I.D.E. Programmes, the Ministry of Municipal Affairs will be forwarding 85% of the \$200,000. (\$170,000.) prior to expenditure to allow the City to utilize the accrued interest to cover administration costs. We are therefore recommending that all interest be flowed back into the North End East and West P.R.I.D.E. Anti-Recession account for this purpose.

BACKGROUND:

On 1992 September 23, the City of Hamilton received an announcement from the Minister of Municipal Affairs, Dave Cooke, advising that we had been successful in receiving a \$200,000. allocation for matching funds under the P.R.I.D.E. Anti-Recession Programme.

The City's share of this Programme would be matched from existing Capital Budget funding for Pier 4 Park from the Parks Development Section of the Public Works Department. The funds must be spent by 1993 September 31. Improvements will include closure of the northern end of Bay Street, sidewalk construction to Guise Street and associated landscaping and lighting on both streets to enhance pedestrian and bicycle connections to Bayview, Pier 4, Harbourfront and Eastwood Parks. A Public Meeting was held 1992 November 04 to receive input on the proposed improvements. This scope of work had originally been approved as part of the scope of work for the development of Pier 4 Park through the Parks and Recreation Committee and City Council (1991 January 29). With the extra P.R.I.D.E. allocation of \$200,000., these projects can now more comprehensively be implemented.

JMcN:bk

cc: Mr. J. Pavelka, C.A.O.
Chief Administrator's Office
Mr. A. Ross, City Treasurer
Treasury Department
Ms. P. Noe Johnson, City Solicitor
Law Department
Mr. C. Firth-Eagland, Superintendent
Parks Development and Maintenance Section
Public Works Department
Mr. K. Christenson, Secretary
Parks and Recreation Committee
Mrs. S. Reeder, Secretary
Finance and Administration Committee

**NORTHEND EAST AND NORTHEND WEST
COMMUNITY IMPROVEMENT PLAN**

Northend East and Northend West - Neighbourhood Profile:

The Northend East and Northend West Neighbourhoods cover an area of approximately 285 hectares with a total population of 4,814 (1991 land use characteristics). The boundaries of the combined neighbourhoods are: on the north by the Hamilton Harbour north of Guise Street, on the east by Wellington Street North, on the south by the Canadian National Railway Freight Yards south of Strachan Street, and on the west by Hamilton Harbour, west of Bay Street North. Neighbourhood Maps are attached. (Schedules 'A' and 'B')

The Northend Neighbourhoods contain a number of areas of different land uses including commercial, residential, parkland/recreational, Harbour Commissioner's and industrial. Housing is predominantly single family (1 or 2 family) dwellings zoned "D". Commercial uses are predominantly situated on James Street North and Burlington Streets. There are three schools in the area - Centennial Public School, Bennetto Senior Public School and St. Lawrence Separate School. Land Use Maps are attached. (Schedules 'C' and 'D')

The Community Improvement Project Area

The Community Improvement Project Area is comprised of segments of the Northend East and West Neighbourhoods, extending from the CN mainline on the south, along MacNab Street North northerly to Burlington Street, east to the western edge of Eastwood Park, north to Guise and south-easterly along Guise, Leander Drive and the boundaries of the Waterfront Development to meet up with the CN lines. The Northend East and West Community Improvement Project Area, adopted by By-law 92-054, is comprised of portions of the Northend East and West Neighbourhoods. Subsequently, an amendment to this Community Improvement Project Area was adopted by City Council by By-law 92-162 on 1992 May 26 and is attached as Schedule 'E'.

Background

In 1973 the Northend Urban Renewal Redevelopment Plan was adopted by By-law for the purpose of carrying out improvements in the Northend Neighbourhoods. Since that time no major capital projects have been undertaken in that area.

Adjacent waterfront lands have been the subject of a comprehensive study completed in 1985. Development of Pier 4 and Harbourfront Parks is presently occurring but does not encroach on the Community Improvement Project Area.

Subsequently, the Northend East and West Community Improvement Project Area was formed and adopted by City Council in 1992.

A public process has been undertaken for the combined areas of the Waterfront and the Northend East and West Community Improvement Project Area. A citizen's committee was established and public meetings and design workshops were held in 1991. As a result of these and other meetings, the following improvements for the Community Improvement Project Area have been proposed.

Proposed Improvements:

During the public process, citizens and committee members expressed concern over a number of elements some of which were specifically within the Community Improvement Project Area:

- close Bay Street to link Pier 4/Harbourfront Park to Bayview Park
- bury overhead electrical wires
- redesign street and park lighting for lighting control, improved and co-ordinated design and improved security
- create/upgrade bicycle and pedestrian links/pathways
- upgrade Guise Street
- provide safe and accessible pathways to Harbourfront, Pier 4, Bayview and Eastwood Parks

Therefore, the P.R.I.D.E. Anti-Recession Programme funds will be allocated to the following:

1. Landscaping and hard surface treatment to Guise Street and Bay Street
2. Provision of new lighting on Guise and adjacent pedestrian/bicycle pathways
3. Additional landscaping as required to provide for safe and accessible bicycle and pedestrian routes connecting the Northend Community Improvement Project Area to Harbourfront, Pier 4, Bayview and Eastwood Parks as well as the Ferguson Avenue Community Improvement Project Area (attached as Schedule 'F').

These improvements conform with the official plan.

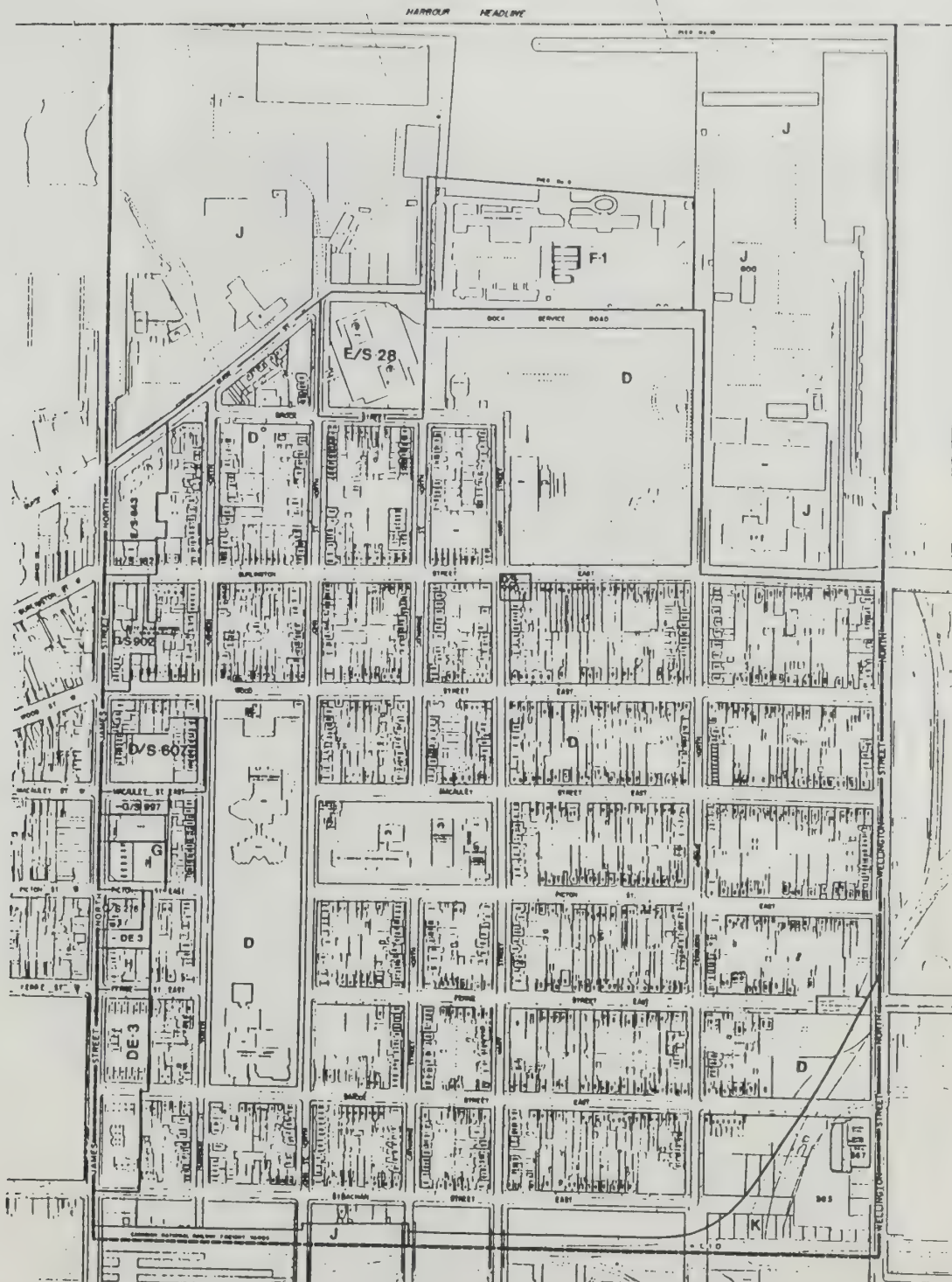
Implementation Plan:

The City of Hamilton's Public Works Department, is working closely with the Regional Municipality of Hamilton-Wentworth and Hamilton Hydro-Electrical Systems along with the public to prepare detailed plans for the project area. Implementation is expected to occur in the fall of 1992 and the spring of 1993 in accordance with the P.R.I.D.E. Anti-Recession Programme Guidelines.

LIST OF ATTACHMENTS

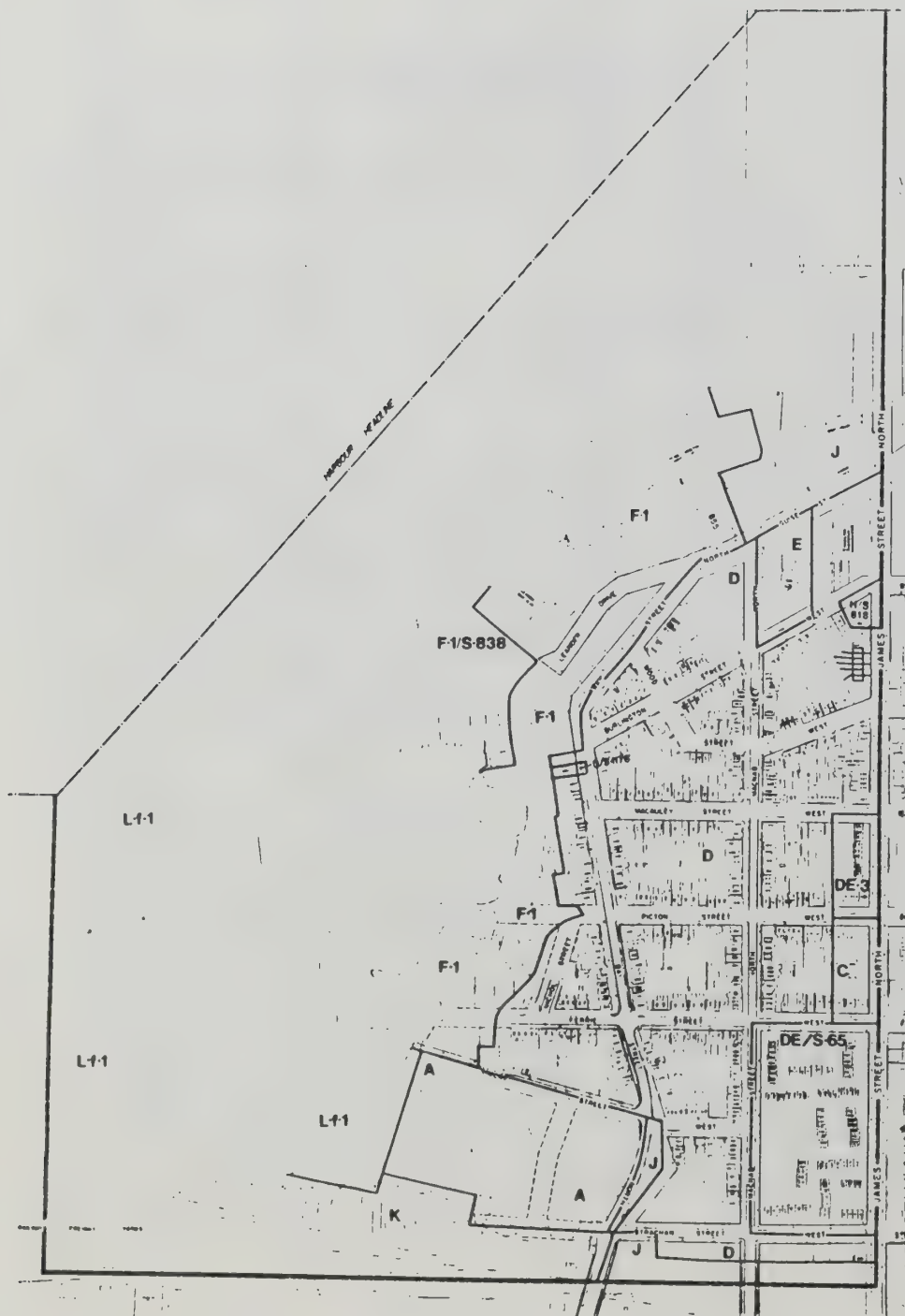
- A** North End East Zoning Map
- B** North End West Zoning Map
- C** North End East - Land Use Map
- D** North End West - Land Use Map
- E** North End East and West Community Improvement Project Area
- H** Declaration Confirming Public Meeting Held

NOTE: Schedules do not form part of the Community Improvement Plan




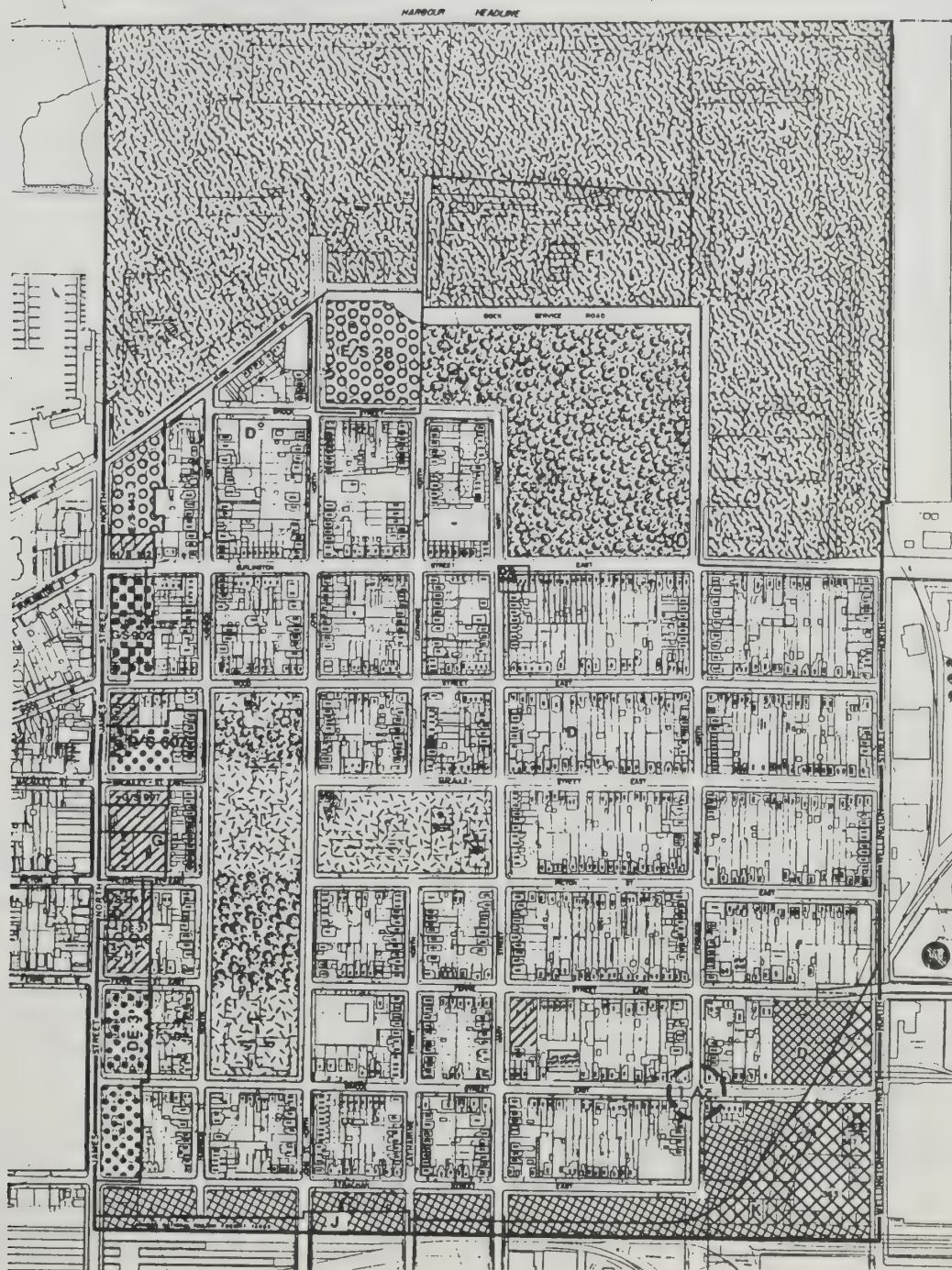
All Lands Within This Neighbourhood Is Subject
To Site Plan Control By-law No. 90-285.

<table border="1"> <tr> <td>107</td> <td>106</td> <td>89</td> </tr> <tr> <td>21</td> <td>10</td> <td>85</td> </tr> </table>	107	106	89	21	10	85	<p>CITY OF HAMILTON</p> <p>NORTH END EAST</p> <p>ZONING</p>
107	106	89					
21	10	85					
<p><small>This is not a Legal Document For Zoning Verification Purposes Contact City Building Department</small></p>	<p>0 50m</p> <p>SCALE</p>						
<p>Neighbourhood Boundary</p> <p>Zoning Boundary</p> <p>Prepared for The City of Hamilton by the Planning and Development Department of The Regional Municipality of Hamilton-Wentworth</p>	<p>8103</p> <p>106</p>						



All Lands Within This Neighbourhood is Subject
To Site Plan Control By-law No. 90-285.

 <p>40 107 108 127 21 10</p> <p>This is not a Legal Document For Zoning Verification Please Contact City Building Department</p>	<p>CITY OF HAMILTON</p> <p>NORTH END WEST</p> <p>ZONING</p>
<p>Neighbourhood Boundary Zoning Boundary</p> <p>Prepared for The City of Hamilton by the Planning and Development Department of The Regional Municipality of Hamilton-Wentworth</p>	<p>SCALE 30m</p> <p>PLANNING UNIT NO. 6102</p> <p>JANUARY 1990</p> <p>PAGE NO. 107</p>



NOTE: THIS IS A GUIDE PLAN ONLY AND IS SUBJECT TO CHANGE. FOR DETAILS CONTACT THE LOCAL PLANNING DIVISION OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH



THIS AREA TO BE DEALT WITH IN A FUTURE OFFICIAL PLAN AMENDMENT PENDING DETERMINATION OF JURISDICTION.



PUBLIC PARK AREA TO BE PROVIDED IN THE VICINITY OF THIS SYMBOL. THE PARTICULAR LOCATION OF WHICH SHALL BE DETERMINED AT SUCH TIME AS FUNDS ARE AVAILABLE FOR ACQUISITION.

All Lands Within This Neighbourhood is Subject To Site Plan Control By-Law No. 90-285.

LAND USE

RESIDENTIAL

- single & double attached housing
- low density apts.
- medium density apts.
- high density apts.
- commercial & apts.

COMMERCIAL

INDUSTRIAL

CIVIC & INSTITUTIONAL

PARK & RECREATIONAL

OPEN SPACE

UTILITIES

- Neighbourhood Boundary
- Zoning Boundary
- Staging of Development Boundary

Approval

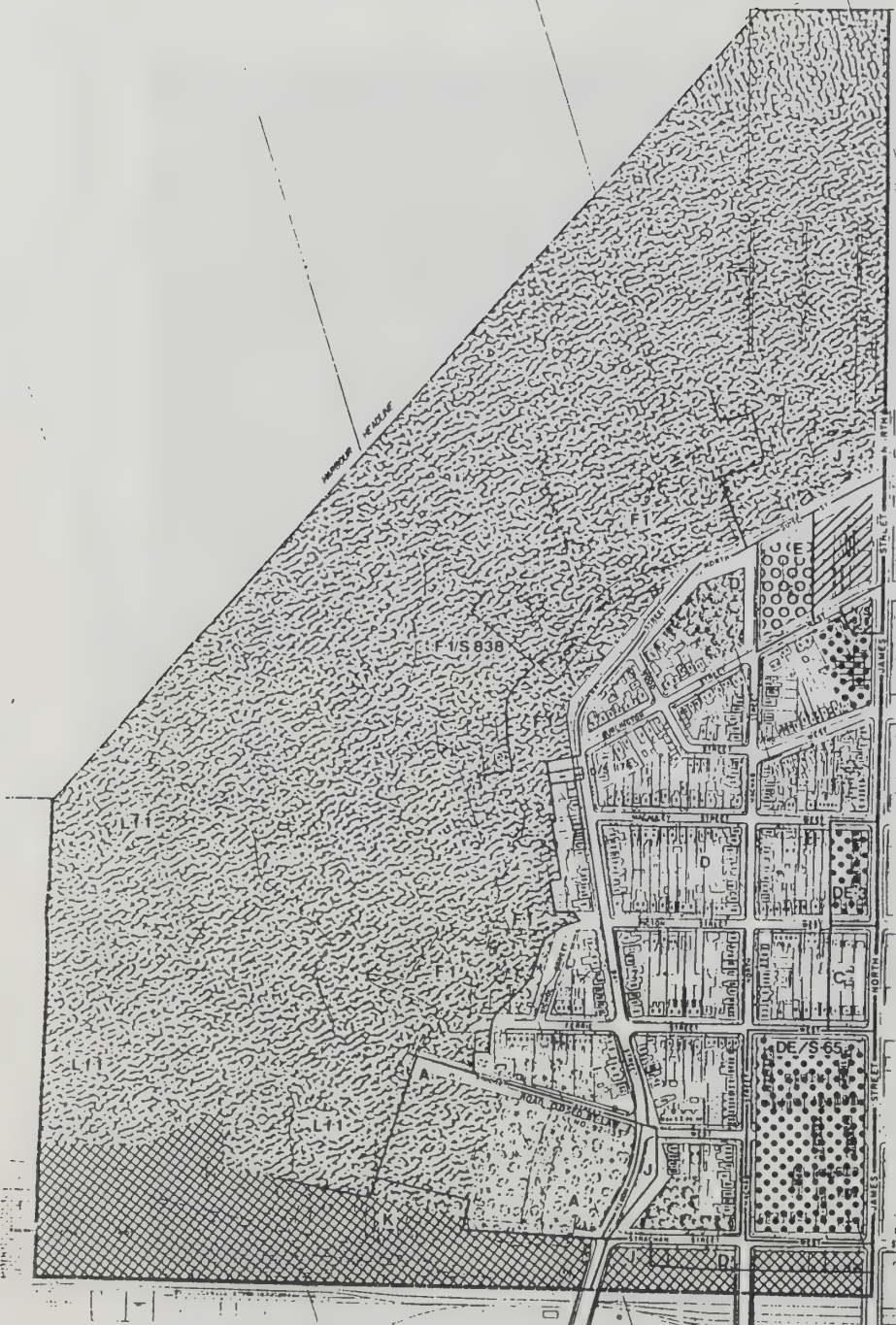
Planning Bd. MAY 12, 1978 Council JULY 27, 1978

Latest Amendment Date MAY 9, 1989

CITY OF HAMILTON
PLANNING DEPARTMENT

NORTH END EAST
APPROVED PLAN





NOTE: This is a GUIDE PLAN only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.



THIS AREA TO BE DEALT WITH IN A FUTURE OFFICIAL PLAN AMENDMENT PENDING DETERMINATION OF JURISDICTION.

All Lands Within This Neighbourhood Is Subject To Site Plan Control By-Law No. 90-285.

EXISTING POPULATION (1985) 1688

LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

- Neighbourhood Boundary
- Zoning Boundary

Approve

Planning Committee MAY 12, 1976 Council JULY 27, 1976

Latest Revision Date AUGUST 11, 1976

CITY OF HAMILTON
PLANNING DEPARTMENT

NORTH END WEST
APPROVED PLAN



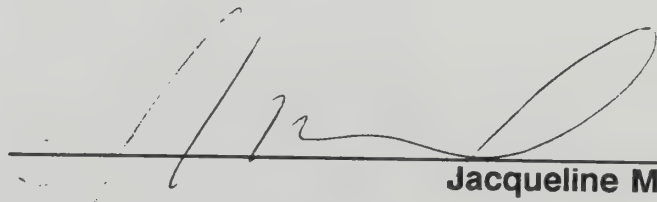
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**NORTH END EAST AND WEST COMMUNITY
IMPROVEMENT PROJECT AREA**



DECLARATION

I Jacqueline McNeilly do hereby declare that a Public Information Meeting was held on 1992 November 04 to present the North End East and West Community Improvement Plan in accordance with Section 28 of the Planning Act.



Jacqueline McNeilly

361

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

NOV 11 1992

DATE: 1992 November 10

CITY CLERKS

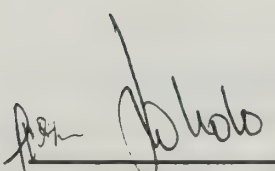
REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo
Director of Public Works

SUBJECT: Central/Beasley Programme for Renewal,
Improvement, Development and Economic
Revitalization - Housing Intensification (PRIDE
H.INT.) - Implementation Plan.

RECOMMENDATION:

- a) That the Implementation Plan for the Central/Beasley Community Improvement Project Area under the PRIDE H.INT. Programme, attached as Schedule 'A', be approved; and,
- b) That the Community Renewal Section of the Public Works Department be authorized to implement the projects within the Plan at an upset estimated cost of \$1,095,805.90. as per the attached Schedule 'B'.



Mr. D. Lobo, Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Sufficient funds are available under the Central/Beasley PRIDE H.INT. Programme Account Centre No. CF 429102003. The PRIDE H.INT. Programme is a fifty-fifty cost sharing programme (Ministry of Municipal Affairs and Municipality). The City's share is \$720,000.

BACKGROUND:

On 1992 May 26 City Council approved the Addendum to the Central/Beasley Community Improvement Plan which Plan sets a series of goals and objectives for the expenditure of the PRIDE H.INT. allocation of \$1,440,000. The Addendum was subsequently approved by the Ministry of Municipal Affairs. Staff have held a series of meetings with the Central/Beasley PRIDE H.INT. Citizens' Advisory Committee and the Consulting Team, JSW+, to generate the Implementation Plan. Subsequently a Public Information Meeting was held on 1992 October 21 for citizens' input at which time no changes were made. The improvements identified in the Implementation Plan will be carried out in 1993 and 1994.

The Implementation Plan reads as follows:

INTRODUCTION

The City of Hamilton, over the past decade, has undertaken community renewal programmes with the assistance of the Ministry of Municipal Affairs. Under provincial programmes such as PRIDE and PRIDE H.INT., the City has revitalized several older residential neighbourhoods. The establishment of Business Improvement Areas (B.I.A.'s) and upgrading of many streetscapes, particularly in the downtown core, has also occurred. The Central and Beasley Neighbourhoods are the City's current priority areas for revitalization.

The Central/Beasley PRIDE H.INT. Community Improvement Project Area is located north of the downtown area, east of Bay Street, west of Wellington Street, south of the CN tracks and excludes James Street North.

Two allocations have been received from the Ministry of Municipal Affairs for the Central/Beasley Community Improvement Project Area. The first was a P.R.I.D.E. programme in the amount of \$313,500. matched by Municipal funds to equal \$627,000. for the redevelopment of McLaren and Beasley Parks. McLaren Park has been completed and Beasley Park is being constructed at this time. The second was the allocation of \$720,000. by the Ministry of Municipal Affairs under the P.R.I.D.E. - H.INT. programme matched with municipal funds of \$720,000. to total a gross allocation of \$1,440,000. The P.R.I.D.E. H.INT. programme is designed to improve existing community services and facilities to support residential intensification.

BACKGROUND:

A Citizens' Advisory Committee (CAC) comprised of neighbourhood residents and property owners was established for each of the allocations through the Community Renewal Section of the Public Works Department to prepare a Community Improvement Plan (CIP) and Addendum which were subsequently approved by City Council. A series of goals and objectives were identified within each of these documents and were the impetus for the setting of priorities for the expenditure of the PRIDE H.INT. allocation. Over a series of meetings with JSW+ Associates and a public open house, the CAC generated the following development priority list related to the goals and objectives of the CIP and Addendum and in accordance with the requirements of the Ministry of Municipal Affairs for the PRIDE H.INT. programme.

The top five development priorities addressed under this Implementation Plan are as follows:

1. Priority One - Identify a potential Park site(s) for development in the Central Neighbourhood. (Objective 3.3, Addendum)

The Implementation Plan addresses the first priority with a cost sharing partnership with the Hamilton-Wentworth Separate School Board at St. Mary's Separate School. This playground facility/parkette takes advantage of existing public open space for bettering community usage to the maximum benefit of inner city children. This facility will accommodate additional open space pressures created by the development of the Robinson Cone Site, MacNab Street North, should it occur in the future.

2. Priority Two - Encourage the Culture and Recreation Department to establish a community centre in proximity to the proposed housing development at Ferguson and Cannon Streets. (Objective 3.1, Addendum)

The second priority has initiated a public process with the Culture and Recreation Department. Possibly located within an existing building in Beasley Park, this facility would be both programmed and assisted by Culture and Recreation. To implement this process the City encourages the Neighbourhood Association and other local organizations to form a Community Council. The

facility would be able to encourage neighbourhood identity and involvement of all ages and abilities. At present this item is being considered as an optional expenditure of P.R.I.D.E. H.INT. funds until programming issues are resolved.

3. Priority Three - Carry out a planting programme throughout the entire neighbourhood to improve air quality. (Objective 4.2.4, Addendum).

The tree planting programme has received considerable emphasis under the development of the Implementation Plan. Improving the streetscape both visually and physically with trees in this area will encourage the pride of local people as well as stimulate the improvement and gentrification of existing residences. In turn, it is hoped that this will stimulate the movement of families into the core. Combined with improved pedestrian access, such as the proposed pedestrian node, and ramping for the disabled, street tree planting will have a lasting affect on the Community Improvement Project Area.

4. Priority Four - Buffering of warehouse/storage/industrial uses from residential. (Objective 1.1, Addendum)
5. Priority Five - Buffering of parking lots to minimize negative visual impacts on street. (Objective 1.2, Addendum).

Typical of most inner city neighbourhoods, land use conflicts of industrial and commercial facilities directly adjacent to residential areas require screening and buffering of storage areas, large parking lots and warehouses. The CAC identified priorities Four and Five to address these areas with low level fencing, shrub and tree planting and improved lighting. The CAC has encouraged the participation of local businesses with cost sharing to increase buffering of their property.

Examples include the donation of a parking space by the Hamilton Parking Authority at the Mulberry Street parking lot. Improved paving for pedestrian access, planting in planters and improved fencing in this lot will benefit both the users of the parking lot and the local residents. Co-ordination with All Souls Church has resulted in permission to use a 1.2 metre strip to buffer an existing parking lot from the local school and residents. By increasing the visual stimulus again the neighbourhood receives impetus to improve private properties.

In addition to identifying the above priorities, the CAC has identified other opportunities within the neighbourhood that are being carried as optional projects should the above priorities not require the entire budget allocation. One area of particular concern to the CAC is the forecourt at the CN Station at James and Murray Streets. The CAC recommend that the City ensure the forecourt is kept as open space.

Council members should note that at the outset of this process the CAC has also allocated a total of \$247,000.00 of the \$1,440,000. to further development of Beasley Park. This allocation of funds enabled the park to add a spray pool, improve landscaping and pay for the additional consultant fees required. These items improve the existing community by encouraging use by local children, by visually increasing the impact of green public open space especially those related to the increased housing densities being proposed (Carter and CN lands).

COST ESTIMATES

The preliminary total of cost estimates for the CAC approved projects is \$1,095,805.90 In addition, the CAC has targeted eight optional projects that require approval by other bodies or the CAC.

These projects include:

Beasley Park Community Centre

Barton Street Median Planting

James Street Armouries Planting

**Landscaping of CN Lands (re. Pedestrian connection of James Street North
to MacNab/Stuart Streets, CN Forecourt)**

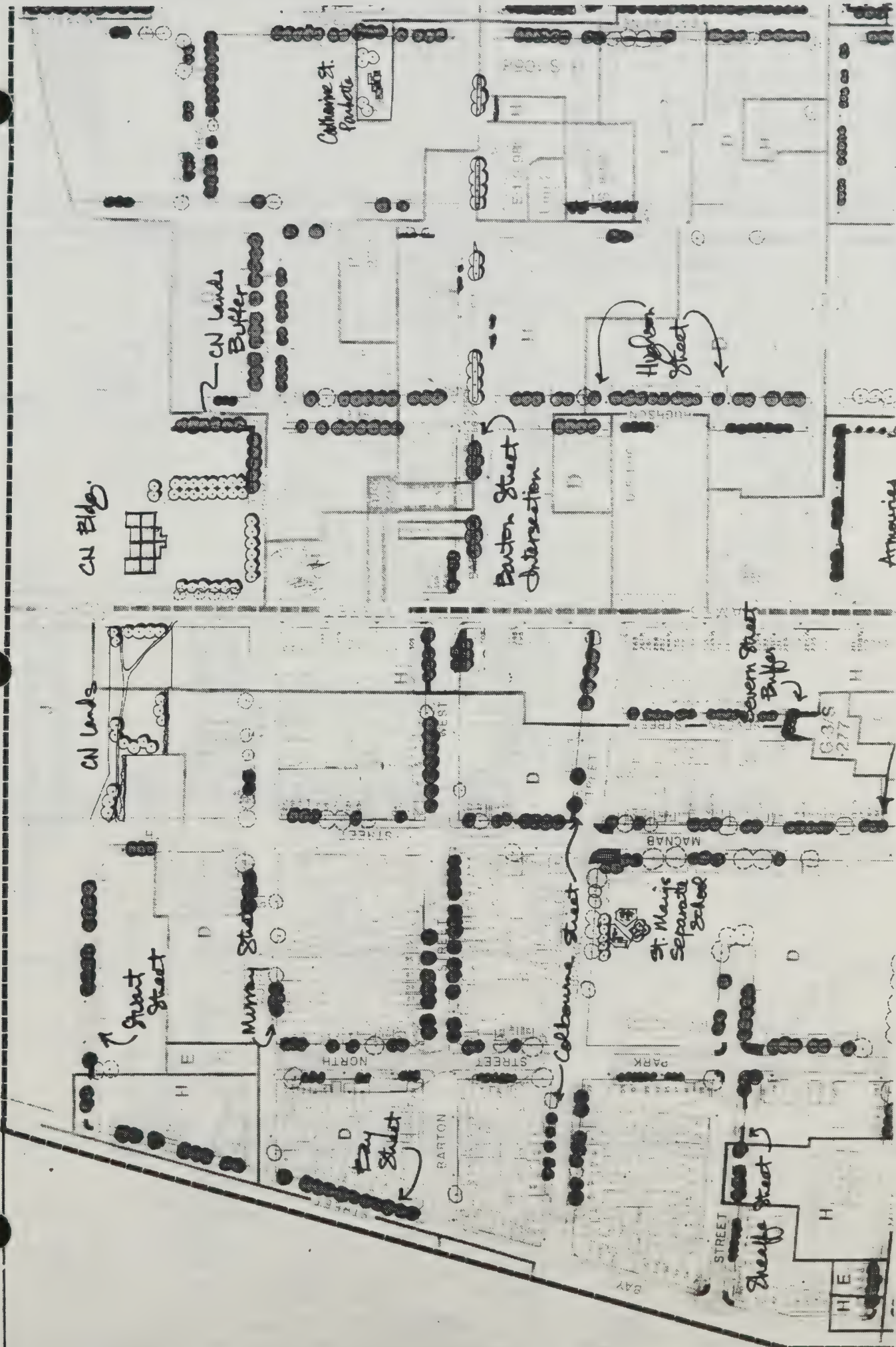
Catharine Street Parkette

Kelly Street Parkette

SCHEDULE 'B'

APPROVED CAC PROJECTS

Barton Street Intersection	\$ 53,417.50
MacNab Street North (North of Cannon)	\$ 32,085.00
Mulberry Street	\$ 20,941.50
Severn Street Buffer	\$ 12,650.00
Sheaffe Street	\$ 35,673.00
Stuart Street Linkage	\$ 9,044.75
CN Lands Buffer in R.O.W.	\$ 21,505.00
Park Street North (North of Cannon)	\$ 41,285.00
Cannon Street	\$ 84,985.00
Robert Street	\$ 12,017.50
Cathcart Street Parkette	\$ 46,402.50
Wilson Street	\$115,805.00
Hughson Street North	\$ 36,972.50
John Street North	\$ 42,205.00
Catharine Street North	\$ 70,868.75
Mary Street North	\$ 51,175.00
Elgin Street North	\$ 35,132.50
Cathcart Street North	\$ 22,827.50
Wellington Street North	\$ 21,073.75
Park Street North (South of Cannon)	\$ 18,400.00
MacNab Street North (South of Cannon)	\$ 23,862.50
Buffer - All Soul's Church parking lot	\$ 9,027.50
Murray Street	\$ 24,955.00
Bay Street	\$ 7,647.50
Colbourne Street	\$ 13,340.00
Severn Street	\$ 5,235.50
Mulberry Street (Bet.MacNab & James)	\$ 5,635.00
Kelly Street	\$ 10,120.00
Rebecca (Bet. Ferguson & Catharine)	\$ 6,037.50
King William Street	\$ 3,622.50
Vine Street	\$ 21,447.50
Robert Street (Bet.John & Wellington)	\$ 12,477.50
St. Mary's Separate School	\$ 25,000.00
	<u>\$952,874.75</u>
15% Contingency	\$142,931.21
<u>TOTAL</u>	<u>\$1,095,805.90</u>



Implementation Plan
Central/Beasley P.R.I.D.E. H.INT.

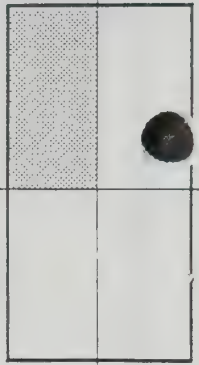
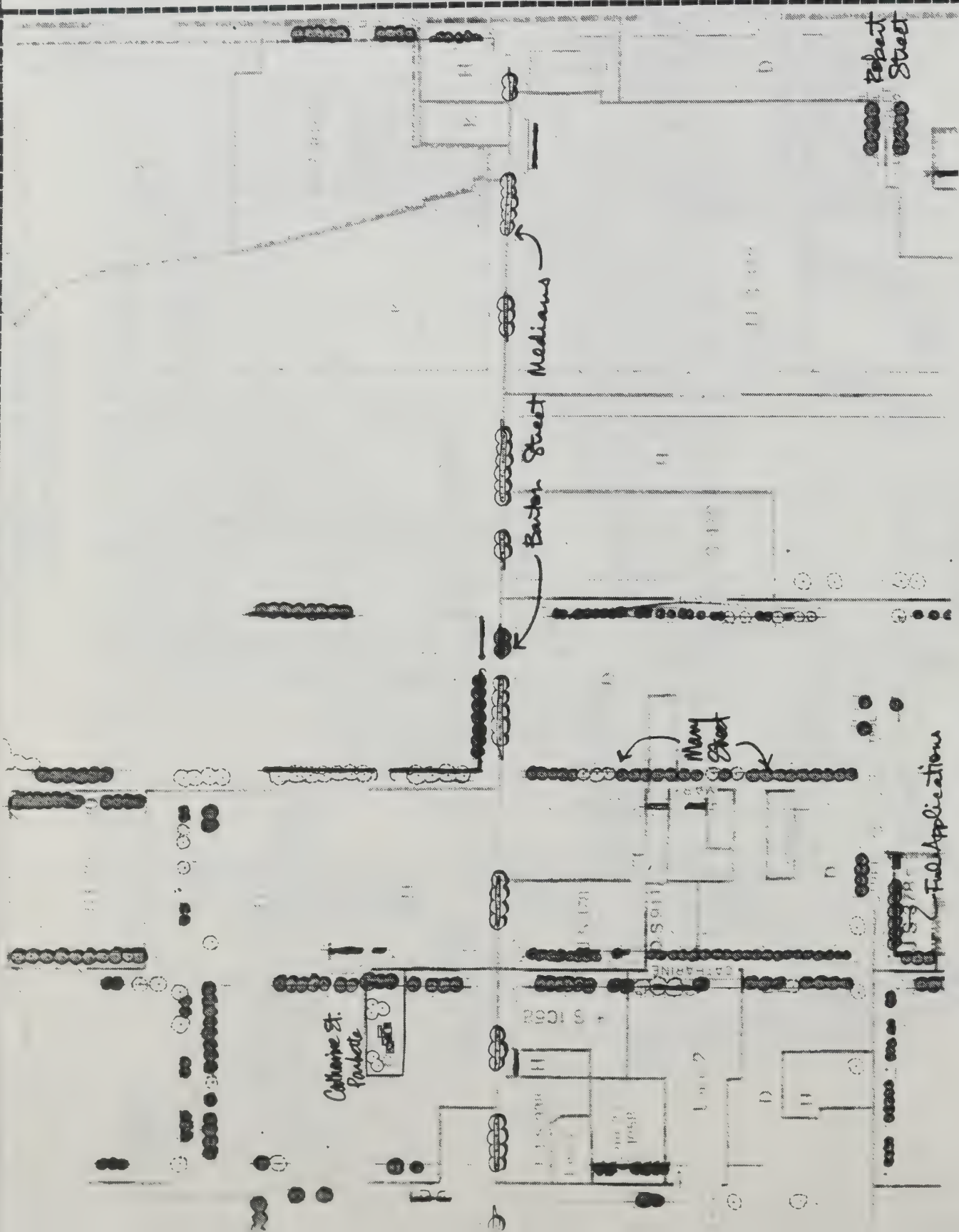


Notes:
1. All projects are subject to the City of Hamilton Public Works Department's approval process.
2. All projects are subject to the City of Hamilton's budgetary process.

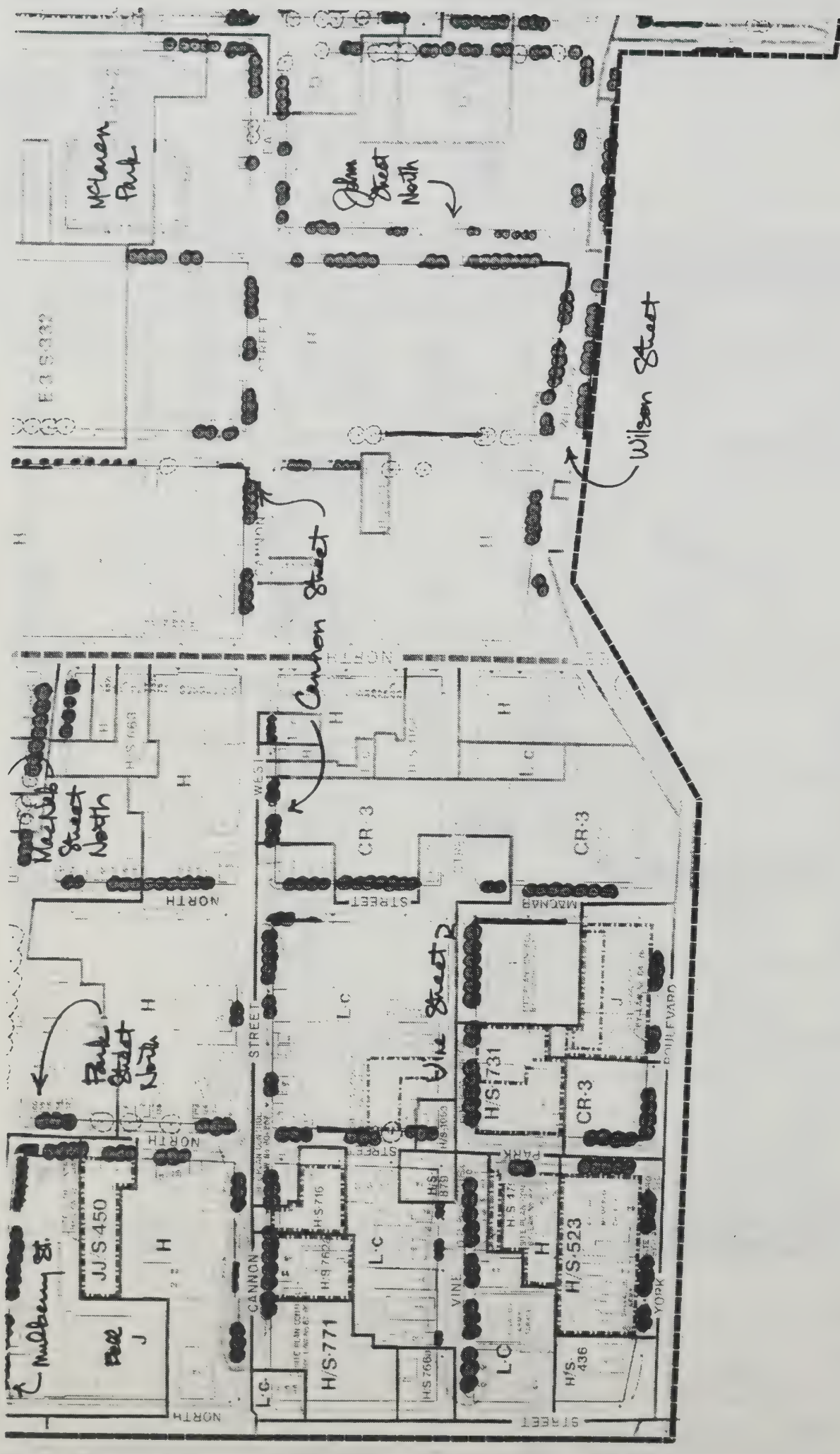
LEGEND

Approved Projects

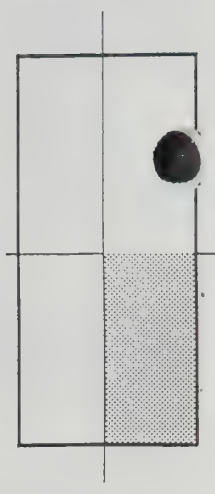
Other Project Options



Implementation Plan
Central/Beasley P.R.I.D.E. H.INT.



Implementation Plan
Central/Beasley P.R.I.D.E. H.INT.



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CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 November 10
(P5-4-3-9F)

RECEIVED

NOV 11 1992

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

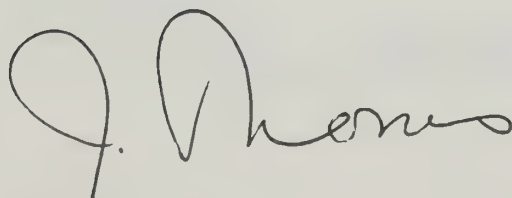
CITY CLERKS

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

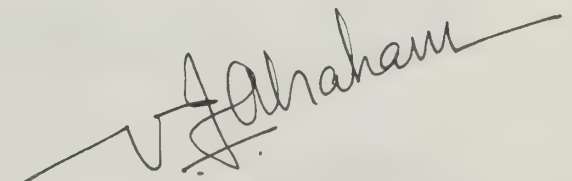
SUBJECT: Hamilton GO Transportation Centre Area Study
- Terms of Reference for Funding Request to Province

RECOMMENDATIONS:

1. That the City Clerk request the appropriate ministries of the Province of Ontario, including the Minister of Municipal Affairs, the Minister of Transportation, and others as deemed appropriate by staff, to consider the provision of funding for the Hamilton GO Transportation Centre Area Study, as outlined in the Terms of Reference, attached as APPENDIX "A", in the amount of sixty thousand dollars (\$60,000.00), including the Goods and Services Tax;
2. That local Members of the Provincial Parliament be advised of the municipality's requests for funding for the Hamilton GO Transportation Centre Area Study; and,
3. That, if the provincial funding for the study is obtained, staff be authorized to proceed with the proposal call.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Central Area Plan Implementation Committee and the Urban Design Committee both formed sub-committees to examine various issues pertaining to the new Hamilton GO Transportation Centre, to be located in the former T.H.& B. Station on Hunter Street East. The Planning and Development Committee, at its meeting of September 23, 1992, approved the following recommendations of the Urban Design Committee:

- "1. That the Planning Department staff be directed to develop terms of reference for a consultant regarding the review of the GO Centre; and,
2. That the terms of reference include estimated costs for such a study."

The review processes undertaken by these two sub-committees continued until late October, and the final reports arising were submitted to the Planning and Development Committee at its meeting of November 4, 1992, along with a related report from the Planning and Development Department.

The Planning and Development Committee, at its meeting of November 4, 1992, approved the Planning Department report dated October 23, 1992, which recommended:

- "1. That the Planning and Development Department be directed to approach the Province for funding to undertake a consultant study to review the design and land use in the vicinity of the proposed Hamilton GO Centre;
2. That the issues identified in the reports of the Central Area Plan Implementation Committee and the Urban Design Committee, concerning the Hamilton GO Centre, be incorporated into the Terms of Reference for the consultant study of the land in the vicinity of the GO Centre;
3. That GO Transit be requested to address those issues identified by the Committees, as outlined in Appendix "A"; and,
4. That the Chief Administrative Officer for the City of Hamilton be appointed as the Coordinator for the study on the land in the vicinity of the GO Centre."

The study area for the proposed review of land use and design is the area surrounding the GO Station, bounded by James Street, King Street, John Street and Augusta Street.

COMMENTS:

Staff of the Planning and Development Department have prepared a Terms of Reference for the proposed study, which is attached as APPENDIX "A" to this report. This outlines the purpose of the study, the process which led up to its recommendation, the issues to be considered, methodology, timing, and fee structure. Included in the Terms of Reference is the matter of parking in the area. The consultant will be asked to determine if off-street parking is appropriate. If so, the consultant should determine where such parking should be provided, and what design controls are required; and if not, the consultant should recommend how parking is to be controlled. The proposal call will include additional information, such as the number of reports to be provided, etc.

The cost of the study has been estimated at approximately sixty thousand dollars (\$60,000.00), including the Goods and Services Tax. It is intended that the study would be subject to a tendering process, during which proposals for the study would be invited from consultants. The funding for the study is to be sought from the appropriate ministries of the Province of Ontario.

The proposed study is necessary to ensure that the significant improvements to be undertaken by GO Transit, at the Hamilton GO Centre, are balanced by appropriate land use and design measures in the surrounding area. The renovation and redevelopment of the former TH&B Station by GO Transit provides the municipality with a significant opportunity to evaluate the design and land use in the vicinity, to ensure that the station improvements are capitalized on, and well integrated into the area.

Funding:

It is recommended that funding for the study be sought from the provincial government, since the upgrading of the GO Station is a provincial initiative, which has necessitated this review of the station's integration into the surrounding area.

In the event that funding is not provided by the Province, the study should still be undertaken. Therefore, the following options could be pursued:

- 100 % funding by the City;
- Cost sharing between the Region and the City;
- Formation of an inter-departmental team (ie. Planning, Traffic, H.S.R., Roads, Environmental Services, Public Works, Property, etc.), to complete specific components of the study (ie. land use), and a consultant to complete other tasks.

It should be noted that if staff time is required, then existing priorities must be re-examined, and a report on this matter will be submitted to the Planning and Development Committee.

V.G.
GOTERMS.REP

TERMS OF REFERENCE
HAMILTON GO CENTRE AREA STUDY

SCOPE:

With the renovation and redevelopment of the former TH&B Station by GO Transit, the City of Hamilton is presented with a significant opportunity to evaluate the area surrounding the new GO Station. The new Hamilton GO Transportation Centre is intended to function as a station to bring people into the City as well as provide train service from Hamilton. It is not intended to function as a station providing service for park-and-ride commuters as this function is served by the Aldershot Station. The Hamilton GO Transportation Centre is intended to be an intermodal urban transit centre.

In this light, the City of Hamilton is seeking to evaluate the area surrounding the GO Station (bounded by James Street, King Street, John Street, and Augusta Street) to integrate the GO Centre with its surrounding environment. It is recognized, however, that there are linkages to areas of the City outside the study area and, where appropriate, these will be included in the final plan. The City requires the selected consultant to develop a comprehensive plan for the GO Station area. The plan will include specific proposals and recommendations to address the issues identified in this Terms of Reference, actions for implementing the recommendations, and a time frame for implementation.

PURPOSE:

GO Transit is upgrading its facilities for GO train service to Hamilton. Plans are being prepared to enable the Hunter Street train station to be restored and renovated, to serve as an intermodal train/bus terminal, namely the Hamilton GO Transportation Centre, which will provide a focus for GO trains, local and inter-city bus services. The November, 1989 Environmental Assessment Report was approved by the Minister of the Environment in April, 1992, subject to a number of conditions. A Preliminary Design Report for the Hamilton GO Transportation Centre was prepared, dated January, 1991 outlining plans for the restoration and renovation of the building and related transit facilities. Detailed design drawings are presently being prepared, which will enable the project to be taken to tender.

GO Transit's schedule for the project includes the following targets:

- Working drawings of the Hamilton GO Transit Centre to be submitted to the Planning and Development Department, for comments from municipal departments and committees, from November, 1992 through approximately February, 1993;
- Finalization of the detailed design for the GO Centre, and beginning of tendering for the restoration and renovation, by about March, 1993;

- Completion of the restoration and renovation, and opening of service, by approximately December, 1994; and,
- Construction of the storage yard for GO trains, presently proposed in the area east of Victoria Avenue, by late 1994 or early 1995.

GO Transit's plans for the station improvements and service changes represent significant changes to the transit service in the Hamilton area, which warrant thorough review by the municipality to ensure that they are well integrated. The relocation of the existing GO train service from the C.N. Station to the GO Transit Centre; the routing of inter-city bus services to the GO Centre; and other impacts such as the connections to local bus services, pedestrian flows and amenities, and related parking facilities, will all have major impacts on the area surrounding the station. Many of these matters are under the jurisdiction of various departments and agencies within the local municipalities. The present study is proposed to review and make recommendations concerning these matters, namely the integration of the GO Transit Centre into the surrounding area.

BACKGROUND:

The Hamilton GO Transportation Centre project has been undertaken primarily by GO Transit and their consultants, with input from the local municipality and the general public during the process. The present study resulted from review undertaken by two citizen-based advisory committees, the Central Area Plan Implementation Committee and the Urban Design Committee. Both of these are sub-committees of the Planning and Development Committee.

In May of 1992, the Central Area Plan Implementation Committee and the Urban Design Committee became aware that the Preliminary Design Report on the Hamilton GO Transportation Centre was being used as the basis for the preparation of final construction and working drawings for the renovation and conversion of the Hunter Street Station. The Urban Design Committee submitted a report to the Planning and Development Committee in July, 1992, requesting the formation of a committee to examine the proposed redevelopment of the Hunter Street Station from the City's perspective.

The Planning and Development Committee directed staff to hold a meeting to discuss the GO Centre proposal with interested parties. Two meetings were held with interested stakeholders, staff and GO Transit. The stakeholders recommended that a citizen-based advisory committee be formed to identify issues pertaining to the GO Centre and the surrounding lands (under the jurisdiction of the City). The formation of the Advisory Committee on GO Transit (as a sub-committee of CAPIC) was recommended to the Planning and Development Committee at their meeting of September 23, 1992, and was adopted.

The Advisory Committee on GO Transit met several times during August, September and October. A public meeting was held on September 23, 1992, which was attended by

approximately two hundred citizens. The Committee's deliberations have produced a document summarizing the issues identified for the GO Transportation Centre and its surrounding environment.

These issues identified by the Advisory Committee were endorsed by CAPIC, at their meeting of October 9, 1992. CAPIC utilized these recommendations to form the basis of their report which was presented to the Planning and Development Committee at its meeting of November 4, 1992. They also recommended that a coordinated study of the area surrounding the GO Centre, including a review of land use, planning policy, urban design, traffic, and the issues identified by the Advisory Committee, be undertaken by a consultant for presentation to City Council. This recommendation was adopted by the Planning and Development Committee.

The Urban Design Committee, which is also a sub-committee of the Planning and Development Committee, established a sub-committee to review the plans for the GO Transit and vicinity, from a design perspective. They presented a report to the Planning and Development Committee in September, 1992, outlining five major concerns with respect to the GO Centre. They presented a further report to the Planning and Development Committee at their meeting of November 4, 1992, identifying recommendations and principles for designing the urban context of the GO Centre. Their report was adopted by the Committee.

The Planning and Development Committee, at their meeting of November 4, 1992, approved the following recommendations of staff:

- That the Planning and Development Department be directed to approach the Province for funding to undertake a consultant study to review the design and land use in the vicinity of the proposed Hamilton GO Centre;
- That the issues identified in the reports of the Central Area Plan Implementation Committee and the Urban Design Committee, concerning the Hamilton GO Centre, be incorporated into the Terms of Reference for the consultant study of the land in the vicinity of the GO Centre;
- That the Chief Administrative Officer for the City of Hamilton be appointed as the Coordinator for the study of the land in the vicinity of the GO Centre.

ISSUES:

1. Land Use

It is the City's intent to integrate both the land use and urban form surrounding the GO Station with the station itself to create a coherent, and attractive environment.

vicinity of the study area must be done in light of the concern expressed by the residents of these two neighbourhoods. The existing parking situation on the residential streets (regulation, use of on-street parking, and resident concerns) must be reviewed and evaluated. Proposed changes to the regulations, if required, must be outlined in the study report.

3. Pedestrian Movement

Travellers using the GO Station will have opportunities to access other transit modes (for example, the Region's HSR Service) as well as broad shopping and cultural activities in the core area of the City of Hamilton. It is expected that there will be substantial pedestrian travel to facilities such as Jackson Square, the Hamilton Eaton Centre, Copps Coliseum, Hamilton Place, the Art Gallery, Copps Coliseum, and Gore Park (the main east-west HSR terminus).

A thorough study of pedestrian movement must be undertaken to identify the main pedestrian routes. Beyond the identification of the routes, the following issues must be addressed in order to enhance pedestrian safety, convenience, and ease of access:

- a) Where are the main crossing points of the arterial roads? What opportunities currently exist (or do not exist) for pedestrian crossing of these roads? How can pedestrian movement be enhanced in terms of safety and ease of access to other facilities?
- b) The main entrance and exit from the GO Station is located at the front of the station in line with Hughson Street South. This is the most logical access for pedestrians to the downtown core. However, there are traffic signals at the intersection of Hunter Street and John Street as well as the intersection of Hunter Street and James Street. No signal for pedestrian crossing currently exists at Hunter Street and Hughson Street. This issue must be addressed as this pedestrian route likely will have significant vehicular traffic volumes.

4. Rail Bridges - James and John Streets

Currently, the Region is seeking provincial funding to reconstruct the rail bridges at James and John Streets. It is anticipated that reconstruction will be completed prior to the opening of the GO Station in December of 1994. Stairways adjacent to the bridges will provide pedestrian access to the bus and train platforms in the GO Station. Issues identified regarding these bridges include the following:

- a) safety of pedestrian movement underneath the bridges and in the stairwells - what elements must be incorporated in order to enhance pedestrian safety from attack and traffic?

A holistic approach to reviewing land use will be required. The study area is within the City's downtown core and land uses are typical of the downtown core area - office buildings, service retail uses (e.g. restaurants, travel agencies), public buildings - the YMCA, the Wentworth County Courthouse. In this regard, the study must identify the appropriate land uses in order to facilitate the integration of land use and urban form. In addition, there is concern from the residents of the adjoining neighbourhoods regarding land speculation. The recommendations and proposals must address the speculation issue and identify mechanisms to protect existing low-density residential communities in both Corktown and Durand neighbourhoods. The consultant will be required to review the existing planning policies and documents in light of the other issues identified in this RFP in order to determine the necessity of any amendments to the relevant planning documents.

In addition, the consultant should identify height, setbacks and siting of buildings in the surrounding area which will enhance both the existing built form and the existing and proposed public spaces.

2. Parking

As an intermodal transportation centre, no parking for commuters using GO Service will be provided by GO Transit. Within the study area, however, there is a proposal by the City's Parking Authority to demolish the existing building at the northeast corner of James Street South and Hunter Street East to construct a mixed commercial and residential building with additional parking for short-term lease by the Parking Authority.

Additionally, there are proposals to redevelop land adjacent to the study area for private parking lots. Currently, the parking lots are permitted land uses within the established zoning.

The study must evaluate the issue of providing parking by answering the following questions:

- a) Should additional parking be provided in the study area or in the vicinity of the study area?
- b) If additional parking is appropriate, the appropriate location(s) for any additional parking lots must be identified. What design controls are needed for these lots?
- c) If additional parking is not appropriate, how can the City regulate this issue?

In concert with the issue of public and private parking lots, there is concern among residents of adjacent neighbourhoods (particularly Corktown and Durand neighbourhoods) that travellers using the GO Station will drive to the station area and park on residential streets. The review of the appropriateness of providing additional parking lots in the

- b) design of the bridges to preclude pigeon roosting (particularly as pedestrians experience an environment with significant amounts of pigeon droppings in these underpasses).
- c) integration of HSR bus stops with access to the station (this is required along James Street and John Street). Particular attention should be paid to safety and wheelchair access. Any design improvements should be discussed with GO Transit.

5. Streetscaping

Both primary and secondary pedestrian accesses are important elements of accessibility to the "GO Centre". In this regard, these pedestrian accesses should be designed to include high quality streetscape element. Streetscape improvements should extend into neighbourhoods which will be most impacted by the "GO Centre's" development.

The following is a list of features/items/elements which could be included in a comprehensive streetscape design:

- | | |
|--------------------------|----------------------|
| • tree planting | • information kiosks |
| • lighting | • newspaper boxes |
| • planters and planting | • mail boxes |
| • seating | • wheelchair ramps |
| • signage | • drinking fountains |
| • bus shelters and stops | • bicycle racks |
| • public telephones | • overhead shelters |

In addition, landscape features (i.e. trees and shrubbery) along arterial roads should be identified.

Design criteria for advertising features (i.e. billboards, signs) should be developed which will enhance the proposed streetscape elements.

6. General Planning Principles

The following principles should be integrated into the plan for the study area.

- a) All access must be barrier free. This includes sidewalks, stairwells, and building access.
- b) Safety, especially for women, children, and the elderly, must be given full consideration for all aspects of the proposal. This includes issues such as, but not limited to, lighting, and stairwell access, proposed planting and landscaping.

- c) Spillover effects into the adjacent low-density residential areas of Corktown and Durand Neighbourhoods must be minimized.
- d) General design criteria for private development and other initiatives (i.e. signage).
- e) The needs of the pedestrian must not be less than the needs of the motorist.

METHODOLOGY AND PUBLIC PARTICIPATION:

1. Background Information Review

- Identify jurisdiction of GO Transit, and responsibilities of all relevant municipal departments, regarding GO Station project and infrastructure in surrounding area.
- Review information concerning station project produced by GO Transit and their consultants.
- Review any existing plans or proposals for improvements to municipal infrastructure in area surrounding GO Centre, contained either in capital budgets or in studies under review by departments.
- Review issues identified by the Advisory Committee on GO Transit, a subcommittee of the Central Area Plan Implementation Committee (CAPIC);
- Review recommendations and design principles identified by the Urban Design Committee;
- Review planning documents, such as but not limited to, the Official Plan, including Amendment No. 66, Neighbourhood Plans, Zoning, Central Business District (C.B.D.) Study, Hamilton-Wentworth Regional Bicycle Network Study; and,
- Have regard to other relevant matters as may be identified by staff, and agreed to by the consultant.

2. Coordination of Study

- The Chief Administrative Officer for the City of Hamilton will act as the Coordinator of this study, due to the many issues related to the study which affect several departments, and the importance of the coordination across departments.

- The C.A.O. may, at his discretion, delegate the day-to-day administration of the study to others, such as the Director of Local Planning or his designate, while ensuring the coordination across departments of the study process and outcome.
- A technical advisory committee will be established to facilitate involvement in the study by representatives of affected departments. This committee will include members from Traffic; Transportation and Environmental Services (including the H.S.R.); Planning and Development; Parking Authority; Building; and other relevant Departments, and Committees including representatives of the Physically Disabled Sub-Committee.
- The consultant will act as the liaison between GO Transit and the City.

3. Staff Meetings and Public Participation

Technical Advisory Committee Meetings

- The technical advisory committee meetings will be held throughout the duration of the study, to clarify municipal roles; advise on planned municipal initiatives, and the feasibility of additional municipal actions as may be considered by the consultant.
 - an introductory meeting with the appropriate Committees prior to the commencement of the study;
 - a minimum of four meetings with the Advisory Committee during the preparation of the recommendations and proposals; and,
 - one meeting to present the final recommendations and proposals.
- Public meetings¹ will be held at key junctures of the Study:
 - meetings with CAPIC\Urban Design Committees will be held to discuss the proposals and recommendations of the draft report;
 - one public open house followed by an evening presentation to present draft proposals and recommendations.

¹ Submissions will be invited at this time. The Consultant will review the submissions and revise the draft proposals/recommendations.

- one meeting with CAPIC/Urban Design Committees will be held to discuss the proposals and recommendations of the final report;
- one public open house followed by an evening presentation to present final proposals and recommendation;
- a minimum of one meeting of the Planning and Development Committee to present the final proposals and recommendations.
- other techniques for public participation should be suggested by the consultant.

SUMMARY OF TASKS

Develop a Master Plan which will:

- review relevant background information;
- develop an inventory of resources including, but not limited to:
 - zoning requirements;
 - buildings;
 - development potential;
 - urban design attributes;
 - Traffic/H.S.R. patterns;
 - pedestrian patterns;
 - physical infrastructure;
 - other relevant.
- examine the appropriateness of existing policies and land use regulations, development options and recommended revisions.
- develop appropriate design guidelines through the development of options which address but not limited to:
 - heights of building;
 - setbacks;
 - building treatments;
 - treatment of public space (including concept plans for implementation).
- examine and develop recommendations for traffic flows; pedestrian movement, convenience, and safety; and H.S.R. in connection with local staff if appropriate.

- examine opportunities of interface with Hamilton GO Transportation Centre, develop options and make recommendations.
- examine other issues identified in Terms of Reference and develop options and recommendations.

The Master Plan will consist of the following components:

- background information;
- alternatives and analysis;
- a draft document for review and comment; and,
- final recommendations.

TIMING:

The Consultant will have eight months from the signing of the contract to complete the study.

4b)

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

NOV 11 1992

CITY CLERKS

DATE: 1992 November 11
(P5-3)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Access for the Physically Disabled and Barrier Free Design
- Amendment to the Official Plan

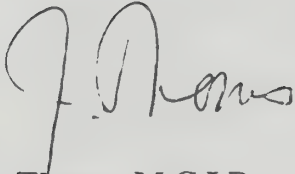
RECOMMENDATIONS:

- 1) That Council reaffirm its decision "to require access for the physically disabled or barrier free design for all developments in the City, including both civic and private initiatives" as a City Policy;
- 2) That the Planning and Development Committee request the Planning and Development Department to amend the existing Official Plan policy (Section C.2 - Safety and Convenience) dealing with access and barrier free design to incorporate minor wording changes as follows:

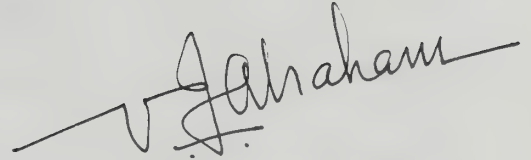
"2.3 Council recognizes the concept of barrier free design as an important component of new development and/or redevelopment which may be realized through measures such as, but not limited to:

- i) the ramping of sidewalks;
- ii) the requirement of adequate access by ramps, elevator or other means to all publicly accessible buildings;
- iii) the reservation of conveniently located parking spaces for all public and private buildings for use by the physically disabled;
- iv) co-operation with the appropriate public agencies to investigate and implement appropriate public transportation opportunities for the physically disabled."

and to include these modifications in the housekeeping amendment.



**J. D. Thoms, M.C.I.P.,
Commissioner
Planning and Development**



**V. J. Abraham, M.C.I.P.,
Director of Local Planning**

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Legislation

The Ontario Human Rights Code, 1981, states the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world and is in accord with the Universal Declaration of Human Rights as proclaimed by the United Nations.

It is public policy in Ontario to recognize the dignity and worth of every person and to provide for equal rights and opportunities without discrimination that is contrary to law, and having as its aim the creation of a climate of understanding and mutual respect for the dignity and worth of each person so that each person feels a part of the community and able to contribute fully to the development and well-being of the community and Province.

In the past there were no explicit legislative obligations to provide any accommodation or undertake special measures to assist in removing barriers which persons with disabilities encounter on a daily basis. However, in April, 1988 amendments to the Ontario Human Rights Code were proclaimed which require that persons with disabilities be accommodated unless such accommodation would cause undue hardship.

- Local Initiatives

At present there are already a number of Regional as well as City committees dedicated to the accommodation of the disabled. In many areas, standards of excellence have been achieved. For example, the design of wheelchair ramps at intersections is seriously being considered by the Province for adoption as the provincial standard.

For all the above reasons, the Planning and Development Committee has asked the Planning Department to formulate a policy statement regarding accommodation of persons with disabilities which would be in harmony with the objectives of the Ontario Human Rights Code and to include it in the Official Plan.

• Official Plan Policies

The Official Plan contains Section C.2- Safety and Convenience which has a specific policy to deal with access and mobility for the physically disabled. The Policy reads as follows:

"2.3 Council will endeavour to foster personal mobility through measures such as, but not limited to:

- i) the ramping of sidewalks;
- ii) the requirement of adequate access by ramps, elevator or other means to all publicly accessible buildings;
- iii) the reservation of conveniently located parking spaces at civic buildings for use by the physically disabled, and encouragement for the provision of such parking at all other public and private buildings; and,
- iv) co-operation with the appropriate public agencies to investigate and implement appropriate public transportation opportunities for the physically disabled."

Minor wording changes could be included in the Policy to require conveniently located parking for all buildings not civic buildings only. In addition, the words "access for the physically disabled or barrier free design" could be incorporated into the Policy as well. The amended Policy could read as follows:

"2.3 Council recognizes the concept of barrier free design as an important component of new development and/or redevelopment which may be realized through measures such as, but not limited to:

- i) the ramping of sidewalks;
- ii) the requirement of adequate access by ramps, elevator or other means to all publicly accessible buildings;
- iii) the reservation of conveniently located parking spaces for all public and private buildings for use by the physically disabled;
- iv) co-operation with the appropriate public agencies to investigate and implement appropriate public transportation opportunities for the physically disabled."

The Department is preparing a housekeeping amendment for the Official Plan. In this regard, such an amendment would be appropriately dealt with at that time.

CONCLUSIONS:

Based on the above,

- 1) Council reaffirm its decision "to require access for the physically disabled or barrier free design for all developments in the City, including both civic and private initiatives", as a City Policy;
- 2) That the Planning and Development Committee request the Planning and Development Department to amend the existing Official Plan policy (Section C.2 - Safety and Convenience) dealing with access and barrier free design to incorporate minor wording changes as follows:

"2.3 Council recognizes the concept of barrier free design as an important component of new development and/or redevelopment which may be realized through measures such as, but not limited to:

- i) the ramping of sidewalks;
- ii) the requirement of adequate access by ramps, elevator or other means to all publicly accessible buildings;
- iii) the reservation of conveniently located parking spaces for all public and private buildings for use by the physically disabled;
- iv) co-operation with the appropriate public agencies to investigate and implement appropriate public transportation opportunities for the physically disabled."

and to include these modifications in the housekeeping amendment.

JHE/VM:dkp

B:\BARRFREE

CITY OF HAMILTON
- RECOMMENDATION -

5.

DATE: November 10, 1992
ZA-92-31
Corktown Neighbourhood

RECEIVED

NOV 11 1992

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

CITY CLERKS

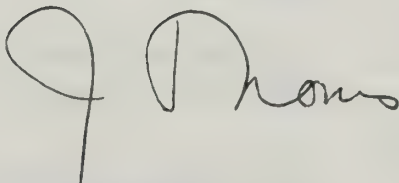
FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a change in Zoning - No. 174 Ferguson Avenue
South.

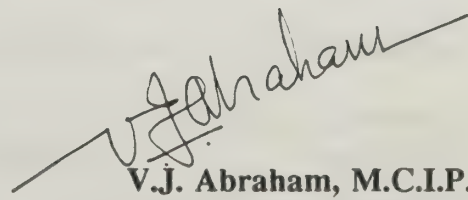
RECOMMENDATION:

That Zoning Application 92-31, Robert J. Charko, owner, requesting a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to "E-2" (Multiple Dwellings) District, to permit the development of the subject lands for a 3 1/2 storey, 16 unit multiple dwelling, for the property located at 174 Ferguson Avenue South, shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

- i) it is contrary to the intent of the Official Plan, in that the proposal is incompatible with existing and proposed development in the immediate area in terms of height, bulk, and arrangement, which would ultimately contribute to an undesirable housing mix;
- ii) it conflicts with the intent of the approved Corktown Neighbourhood Plan which designates the property "SINGLE AND DOUBLE RESIDENTIAL". In this regard the proposal represents high density development (i.e., 16 units or approx. 87 units per acre); and,
- iii) it represents an over intensification of land use in that the proposal would require variances with respect to required parking in the front yard, elimination of the required loading space, etc.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

APPLICANT: Robert J. Charko, owner.**BACKGROUND:**

- Proposal

The applicant has proposed a 3 1/2 storey, sixteen (16) unit multiple dwelling with thirteen parking spaces provided in the front yard at 174 Ferguson Avenue South (See Appendix "B"). The existing one storey single-family home will be demolished.

LOT SIZE AND AREA:

- 20.15 m (66.11 ft.) of lot frontage on Ferguson Avenue South;
- 37.039 m (121.52 ft.) of lot depth; and,
- 741.65 m² (7983.08 sq.ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Single-Family Dwelling	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District
<u>Surrounding Lands</u>		
to the north, and south	Single and Two Family Dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District
to the east	Vacant Lands	"J" (Light and Limited Heavy Industry, etc.) District
to the west	Multiple Family Dwellings	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District

OFFICIAL PLAN:

The subject lands are designated **Residential** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

- A.2.1.13 Plans for redevelopment will, to the satisfaction of Council, ensure that the RESIDENTIAL character of the area will be maintained or enhanced and that the redevelopment will not burden existing facilities and services.

- A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:
 - i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,
 - ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses."

In addition, policies from **Subsection C.7 - Residential Environment and Housing Policy** should be noted:

- "C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
 - i) Provision and maintenance of adequate off-street parking;
 - v) Provision of advice and assistance in the improvement and maintenance of private dwellings;
 - vi) Investigation into, and application of, other methods of encouraging the maintenance and improvements of buildings in RESIDENTIAL areas;
 - viii) Other similar actions or matters as Council may deem appropriate.

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

C.7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:

- ii) Promote the restoration and/or rehabilitation of housing structures exhibiting Architectural or Historical merit, subject to the provisions of Subsection C.6;
- iii) Encourage RESIDENTIAL development that provides a range of types and tenure to satisfy the needs of the residents at densities and scales compatible with the established development pattern;"

Further, the property is located within *Special Policy Areas 1b & 3* on Schedule B of the Official Plan and the following policies should be noted:

"A.2.9.1.1 The lands shown on Schedule "B" as SPECIAL POLICY AREA 1 lie within the recommended NIAGARA ESCARPMENT Planning Area. To implement the proposed Plan for the NIAGARA ESCARPMENT, SPECIAL POLICY AREA 1 is subdivided as shown on Schedule "B" into Areas '1a' and '1b', for which the following provisions will apply:

- ii) It is intended that development in Area '1b' will have a minimal impact on the adjacent ESCARPMENT (Area '1a'). Accordingly, the nature of development, as defined in Schedule "A" for this Area, will be at a density, scale and height which is compatible with the ESCARPMENT.

A.2.9.3.1 The future viability and health of the Central Policy Area will be largely dependent on the quality and suitability of Residential opportunities in close proximity to the downtown. Accordingly, the following policies to promote and protect housing within the area shown as SPECIAL POLICY AREA 3 on Schedule "B" will apply in addition to all the Residential policies of Subsections A.2.1 and C.7, and Policy A.2.8.1(ii);

- i) It is the intent of Council to strengthen the Residential function of this AREA to complement the multi-use nature of the Central Policy Area, to foster a wider choice in housing opportunities for all residents of the City, and to increase the resident population;
- ii) Further to the above, a wide variety of densities, unit sizes, building styles, incomes and household groups will be accommodated. Housing suitable for families, the physically disabled, and senior citizens will be particularly encouraged;

- v) It is intended that Residential development or redevelopment be at a scale, density and bulk compatible with the established character of the surrounding uses;

A.2.8.1 To promote the CENTRAL POLICY AREA as a multi-use node for both the City and the Region, a wide range of uses will be permitted where compatibility among adjacent uses can be achieved. The primary uses permitted in the CENTRAL POLICY AREA, as shown on Schedule "A", will be for the following uses:

- ii) Residential Uses of various types, including, but not limited to, single-family detached, semi-detached, row and apartment housing, and in keeping with the Residential policies set out primarily in Subsection A.2.9.3, as well as in Subsections A.2.1 and C.7;"

In conclusion, the proposal does not conflict with Special Policy Area 1b, but conflicts with the intent of several Official Plan policies on the following basis:

- it is incompatible with established and proposed densities of development in the area (i.e., policies A.2.1.1., A.2.9.3.1[v], A.2.8.1 [ii], C.7.2, and C.7.3); and,
- it would contribute to an undesirable housing mix in that it would not integrate and be sensitive to the adjoining residential development in terms of height, bulk, and arrangement (i.e., policies A.2.1.8, A.2.1.14, , A.2.8.1, and A.2.9.3.1[v]).

However, if approved, an amendment would not be required.

NEIGHBOURHOOD PLAN:

The lands are designated "Single and Double Residential" on the approved Corktown Neighbourhood Plan. The proposal does not comply with the intent of the Plan. Approval of the application would require a redesignation to "HIGH DENSITY APARTMENTS".

RESULTS OF CIRCULARIZATION:

- The following Agency and Departments have no comment or objection:
 - GO Transit; and,
 - Hamilton Region Conservation Authority.
- The Roads Department has advised that:

"There are public watermains and combined storm and sanitary sewers available to service these lands.

According to our records, the existing road allowance width of Ferguson Avenue is 20.12 m (66 feet). Therefore we do not anticipate any further road allowance widening at this time.

Preliminary site plans etc. have not been submitted for our review/comments. Therefore we advise at this time that any works within the Ferguson Avenue South must conform to the City of Hamilton Streets By-law.

According to plans submitted by the applicant, the existing enclosed porch encroaches into the road allowance. Should the existing building/porch be retained, we recommend that the applicant/owner enter into an encroachment agreement with the City of Hamilton.

The existing board fence which encroaches into the road allowance is contrary to the City of Hamilton Streets By-law and remains at the sole risk of the applicant/owner.

The Traffic Department is to comment on access design and location.

We recommend that the subject lands be developed through site plan control at which time we will provide detailed comments on grading, landscaping, setbacks etc."

- The Traffic Department has advised that:

"It is our understanding that the proposed 16 unit building will require one (1) 3.7 m x 9.0 m loading space to be provided on-site as per the zoning by-law. However, the preliminary site plan delivered to our office by the applicant does not include the provision of a loading space. The provision of a loading space on-site may not be practical given the dimensions of the property."

- The Building Department has advised that:

- "1. The required rear yard setback is 4.49 m. Shown at the closest point is 4.26 m. This setback is acceptable providing the other end of the rear wall is 4.72 m from the rear lot line.
2. The plan (sheet 4) indicates the zone to be a "E" zone whereas the application indicates an "E-2" zone.
3. The maximum G.F.A. permitted is shown as 13,571 square feet with a 1.7 factor. However, these figures should be 9508.8 square feet with a 1.19 factor.
4. Four of the cars are in the required front yard.
5. No loading space is shown.
6. If you add the rear yard (14'), the building depth (43.5'), the parking space (62') and the wall thickness, it totals 120.50'. The total depth of the lot on the south side is 120.30'. Therefore, car #1 would not be 8.86' wide and its manoeuvring space would angle slightly into the building.

7. The 24" high masonry wall projects down the side lot lines approximately 8'-0". This wall covering parking spaces 7 and 8 must be a minimum 1.2 m (3.94') high as per Section 18A(12)(c).

* The G.F.A. proposed is 9600 square feet, therefore if there are 100 square feet of exemptions in the building, it would meet the by-law requirements.

• CP Rail has advised that:

"We have reviewed the above mentioned application and wish to state our opposition to it. Residential development adjacent to the right-of-way is not compatible with Railway operations. The health, safety and welfare of potential residents could be adversely affected by Railway activities.

However, should the applicant be approved by the Municipality of Hamilton-Wentworth, CP requests that the following conditions be imposed on the development:

1. Ground vibration transmission to be estimated through site tests. If in excess of the acceptable levels, all dwelling within 75 metres of the nearest track should be protected. The measures employed may be:
 - a) Support the building on rubber pads between the foundation and the occupied structure so that the maximum vertical natural frequency of the structure on the pads is 12 Hz;
 - b) Insulate the building from the vibration originating at the railway tracks by an intervening discontinuity or by installing adequate insulation outside the building, protected from the compaction that would reduce its effectiveness so that vibration in the building became unacceptable; or
 - c) Other suitable adequate measures that will retain their effectiveness over time.
2. A clause should be inserted in all offers to purchase, agreements of sale and purchase or lease and in the title deed or lease of each dwelling, warning prospective purchasers or tenants of the existence of the Railway's operating right-of-way; the possibility of alterations to or an expansion of its rail facilities thereon in the future, including the possibility that the living environment of the residents notwithstanding the inclusion of noise and vibration attenuating measures in the design of the subdivision and individual units, and that the Railway will not be responsible for complaints or claims arising from the Railway's use of its facilities and/or operations.
3. Any proposed alterations to the existing drainage pattern affecting Railway property must receive prior concurrence from the Railway, and be substantiated by a drainage report to be reviewed by the Railway.
4. Any proposed utilities under or over Railway property to serve the development must be approved prior to their installation and be covered by the Railway's standard agreement.

To ensure the safety and comfort of adjacent residents and to mitigate as much as possible the inherent adverse environmental factors, your assurance that the above conditions will be imposed on the developer would be appreciated."

- LACAC has advised that:

"This residential property is listed on the City's Inventory of Buildings of Architectural/Historical Interest. Its architectural style is Ontario Cottage, of which there are few remaining examples in Hamilton.

The building is worthy of merit and although the facade has been altered from its original appearance by rug brick facing and an enclosed porch, these changes are not irreversible and retention and rehabilitation are warranted."

COMMENTS:

1. The proposal conflicts with the intent of Official Plan, in that it would be incompatible with existing and proposed development in the immediate area in terms of height, bulk, scale, and arrangement, which would ultimately contribute to a undesirable housing mix.

However, if approved, an amendment would not be required.

2. The proposal conflicts with the intent of the approved Corktown Neighbourhood Plan which designates the lands "SINGLE AND DOUBLE RESIDENTIAL". Approval of the application would require a redesignation to "HIGH DENSITY APARTMENTS".

3. The proposal cannot be supported for the following reasons:

- i) it is contrary to the intent of the Official Plan, in that the proposal is incompatible with existing and proposed development in the immediate area in terms of height, bulk, and arrangement, which would ultimately contribute to an undesirable housing mix;
- ii) it conflicts with the intent of the approved Corktown Neighbourhood Plan which designates the property "SINGLE AND DOUBLE RESIDENTIAL". In this regard the proposal represents high density development (i.e., 16 units or approx. 87 units per acre); and,
- iii) it represents an over intensification of land use in that the proposal would require variances with respect to required parking in the front yard, elimination of the required loading space, etc.

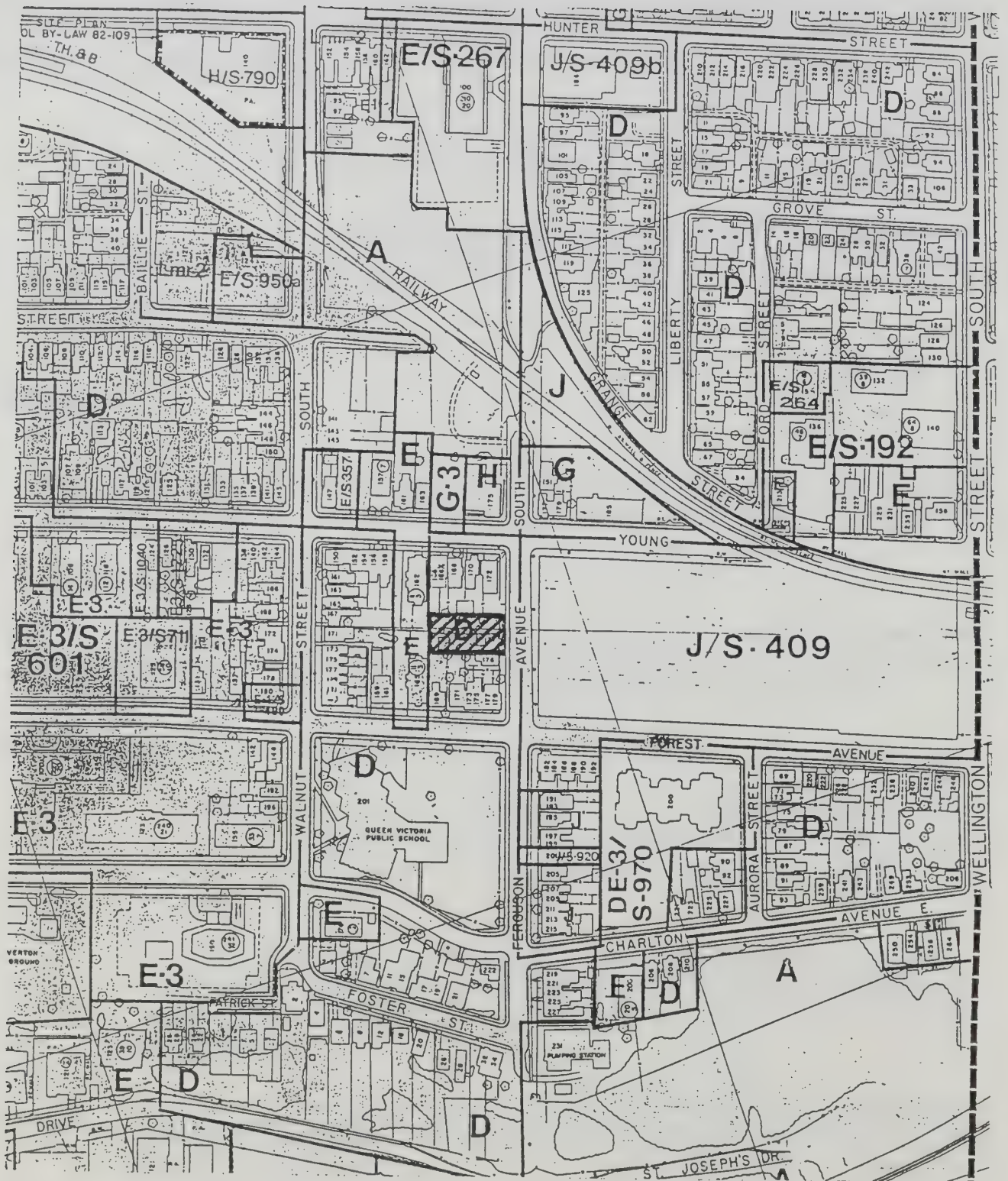
4. Given the location of the subject property, lot size, and character of existing development in the immediate area, it would be appropriate for the subject lands to be developed as either semi-detached housing, street townhouses, etc.

Furthermore, it should be noted that LACAC has advised that this residential property is listed on the City's Inventory of Buildings of Architectural/Historical Interest. Its architectural style is "Ontario Cottage", of which there are few remaining examples in Hamilton. The building exhibits architectural merit and is worthy of retention and rehabilitation.

CONCLUSION:

Based on the foregoing, the proposal cannot be supported.

JL/
WPZA9231



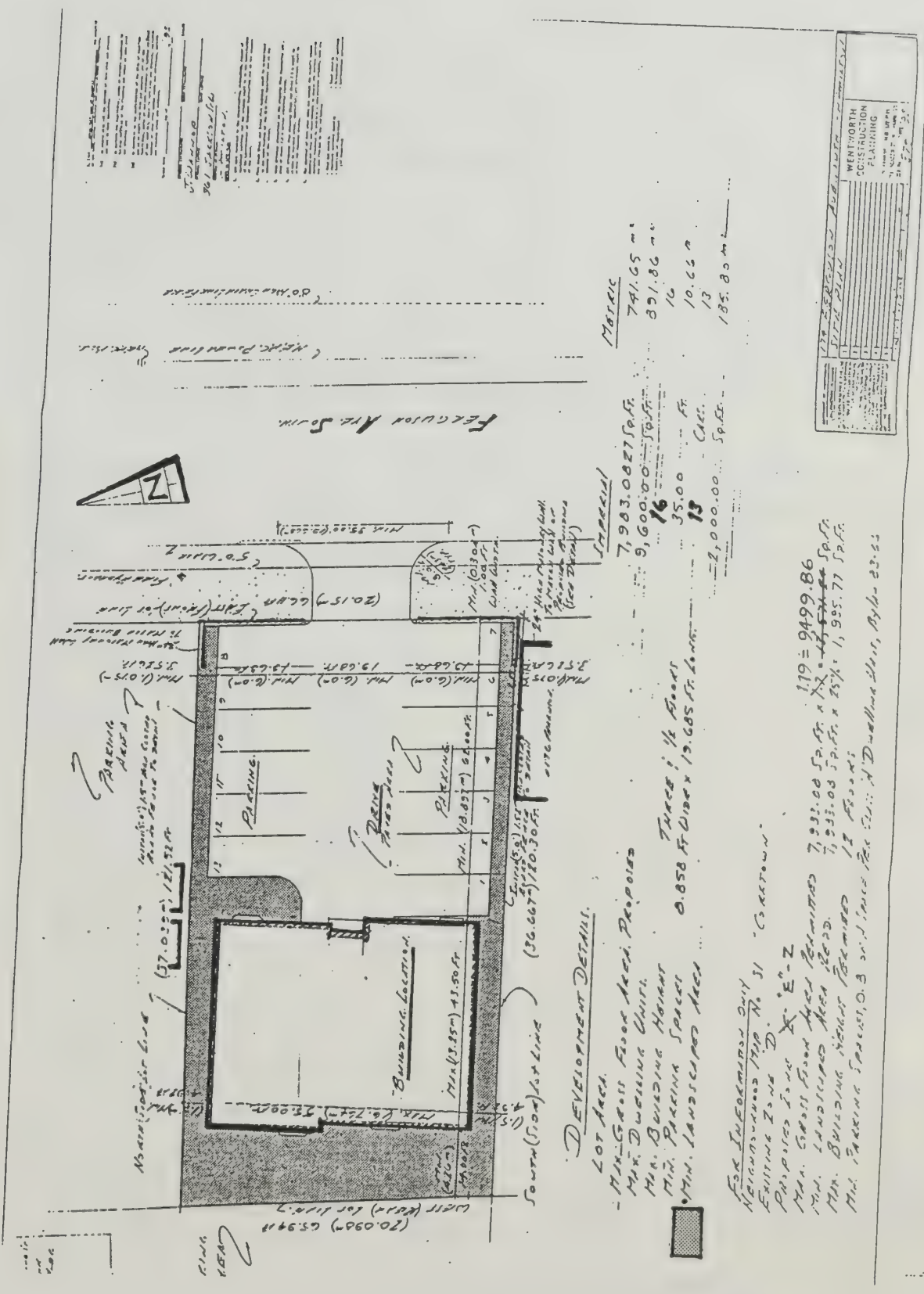
Legend



Site of the Application

ZA-92-31

APPENDIX A



APPENDIX B

"Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noe Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department, and Alderman D. Drury, Chairperson, Planning and Development Committee - 1992 September 03"

5a

SEP 01 1992

AUGUST 27, 1992.

THE CORPORATION OF THE CITY OF HAMILTON
PLANNING AND DEVELOPMENT COMMITTEE
CITY HALL
71 MAIN ST. WEST
HAMILTON, ONTARIO
L8N 3T4

RECEIVED

SEP 02 1992

RE: 174 FERGUSON AVE. S. CITY CLERKS
PROPOSED ZONING CHANGE FROM "D" TO "E"

IN REGARD TO THE APPLICATION NOW IN PROGRESS BY MR. ROBERT CHARKO, OWNER OF ABOVE MENTIONED PROPERTY, PLEASE NOTE AN OBJECTION LODGED BY MYSELF, AS A RESIDENT OF THE BLOCK IN QUESTION, CONCERNING THE FELLING OF LARGE MATURE EVERGREEN TREES BORDERING THE ENTIRE PROPERTY AT 174 FERGUSON AVE. S. A NUMBER OF THESE LARGE TREES HAVE ALREADY BEEN FELLED SINCE PURCHASE OF THE PROPERTY BY R. CHARKO. MY OBJECTION DEALS WITH ENVIRONMENTAL IMPACT THE LOSS OF THESE TREES WILL CAUSE TO THE IMMEDIATE NEIGHBOURHOOD. AESTHETICALLY, AS PRODUCERS OF OXYGEN, FILTERS FOR NOISE, AIR, + VISION (C.P. RAILWAY TRACKS IN CLOSE PROXIMITY) AS WELL AS HOME FOR WILDLIFE, VARIOUS ONTARIO SONGBIRDS, AND PRIVACY SCREEN FOR NEIGHBOURING RESIDENCES.

IT IS NOT THE ZONING CHANGE, OR APARTMENT CONSTRUCTION, OR INCREASED TRAFFIC, THAT WILL BEAR HEAVILY ON THE EXISTING RESIDENTS, BUT THE LOSS OF THE TREESCAPE.

BEFORE DECISION IS MADE BY YOUR COMMITTEE, DOES AN ACTUAL VIEWING IN PERSON OF LANDS IN QUESTION TAKE PLACE? I SINCERELY HOPE SO, AS I FEEL THE SIGHT OF ESTABLISHED VEGETATION WILL STRESS MY POINT. THESE TREES SHOULD NOT BE SACRIFICED!

OWNER/OCCUPANT
173 FOREST AVENUE.

"Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noe Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department, and Alderman D. Drury, Chairperson, Planning and Development Committee - 1992 November 11".

NOV 05 1992

5b)

This is to express our strong opposition to the zoning change for the property located at 174 Ferguson Avenue South.

Since lawyer Charko acquired the property, it has been transformed to a dismal state.

The house was rented to tenants who were sometimes drunk, noisy to the point of requiring the intervention of the police. All summer, appliances littered the yard and garbage was strewn over the sidewalk for days at a time.

Then Mr. Charko started cutting the trees on the property and what was once a nicely shaded backyard has been reduced to a desolate junk yard. Mr. Charko does not display much sensitivity to what he is doing to the neighbourhood.

The city block where lawyer Charko wants to build an apartment building is essentially still an intact area of detached or semi-detached houses. There are actually two small apartment buildings which were erected over 25 years ago and naturally nothing can be done about these.

We find it shocking that lawyer Charko is even thinking of building apartment units in an area that is not zoned for it. Obviously, Mr. Charko does not see any problem : Let's just change the zoning and everything will be solved.

We believe that zonings exist precisely for that very reason, i.e. to protect area residents from unsuitable developments such as planned by Mr. Charko.

If Council were to allow this project it would be a betrayal to the people who have faith in the neighbourhood zonings. Allowing lawyer Charko to build his apartment units would be a cruel joke for the young couples who recently bought houses nearby in the belief that they were in an urban protected residential area.

This project would require the demolition of a house and the paving over a garden. There is no room for any landscaping. Family backyards would lose their privacy. There would be a diminution of sun light and an increase of noise and car fumes. It would definitely have a negative impact on the surrounding neighbourhood. The only benefit would be to lawyer Charko's bank account.

Furthermore, this would set a bad precedent as it would signal that anyone can buy a house in this neighbourhood, demolish it and put up an apartment building. All it takes is a little change in the zoning, and if it was allowed for Mr. Charko how could it be refused to the next person?

We are not anti-development but we believe that central Hamilton has so many empty lots, vacant lots, abandoned lots, that there is absolutely no need at all to demolish existing houses in residential areas in order to build apartment complexes.

Thank you for your consideration.

Francois Roesch

Wanda Roesch

Francois Roesch

Wanda Roesch

171 Forest Ave.

LPNIXP

Nov 5th 1992.





6.

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

NOV 11 1992

CITY CLERKS

DATE: 1992 November 10
ZA-92-37
Eastmount Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a modification in Zoning - Nos. 664 - 682 Concession Street.

RECOMMENDATION:

That approval be given to Zoning Application 92-37, 394553 Ontario Limited, (J. & D. Pasquale), owners, requesting a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations, to permit a take-out restaurant/delicatessen within the existing building (unit 664), for property located at Nos. 664-682 Concession Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to the the subject lands, be modified to include the following variances as special requirements:
 - a) That notwithstanding Section 14(1), one take-out restaurant/delicatessen having a maximum floor area of 60.0 m² shall be permitted within the existing building;
 - b) That Sections 18A(36)1.(b)&(c) and 18A(36)2. shall not apply to the take-out restaurant/delicatessen;
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-24 be notated S- ;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,

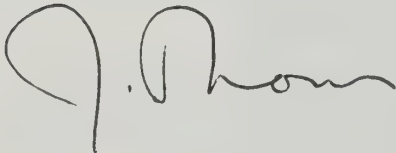
- iv) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

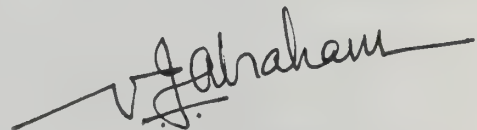
The purpose of the By-law is to provide for a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations, for property located at Nos. 664-682 Concession Street, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the establishment of one take-out restaurant/delicatessen having a maximum floor area of 60.0 m² (650 sq. ft.) within the existing building (unit 664). In addition, the By-law provides for the following variances to the parking regulations for restaurant uses within the "H" (Community Shopping and Commercial, etc.) District of Zoning By-law No. 6593:

- To permit the existing parking spaces upon the lands to be as close as 0.0 m to the nearest residentially zoned lands instead of 12.0 m required (Section 18A(36)1.(b));
- To exempt the development from providing a 1.5 m wide planting strip adjacent to the existing parking area and East 26th Street (Section 18A(36)1.(c)); and,
- To permit the existing access driveway to the parking area for a take-out restaurant/delicatessen use to be as close as 0.0 m to the nearest residentially zoned lands instead of 30.0 m required (Section 18A(36)2.).



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The purpose of the modification in zoning is to allow a 60.0 m² (650 sq. ft.) take-out restaurant/delicatessen within the existing commercial building (unit No. 664). The applicant's agent has submitted a letter (see Appendix "B") providing details of the

application and reasons for the proposed use. Five letters from area business establishments including The Hamilton Regional Cancer Centre (see Appendix "C"), and a petition circulated and signed by 26 property owners have been submitted indicating support for the proposed take-out delicatessen (restaurant) use.

- Committee of Adjustment Applications

- A-83-98

At its meeting held on July 5, 1983, the Committee of Adjustment denied minor variance application A-83-98, to permit the establishment of a take-out food business within a portion of the existing building municipally known as 674-682 Concession Street. The following variances were requested by the applicant:

1. The access driveway to the parking area upon the lands will be as close as 4.57 m (15 ft.) to the nearest residentially zoned lands instead of the required 30.0 m (98.43 ft.) minimum distance away;
2. The parking spaces upon the lands will be as close as 0.0 m to the nearest residentially zoned lands instead of the required 12.0 m (39.37 ft) minimum distance away;
3. The required 1.5 m (4.92 ft.) wide planting strip will not be provided adjacent to the adjoining streets.

The Committee of Adjustment denied the application for the following reasons:

- The Committee having regard to the evidence is of the opinion that the relief requested is beyond that of a minor nature.
- That after consideration of the application and from the evidence submitted it is the Committee's opinion the relief requested herein is undesirable for the appropriate development of the land and building and is inconsistent with the general intent and purpose of the By-law and of the Official Plan as referred to in Section 49 of The Planning Act, 1980.

The Planning and Development Department submitted the following comments to the Committee of Adjustment:

"This proposal would adversely affect the established residences south of the subject site and, since this proposed variance is not considered to be minor in nature and there are no apparent extenuating circumstances to warrant the necessary variances this application cannot be supported."

A-92-88

At its meeting held on May 27, 1992, the Committee of Adjustment denied minor variance application A-92-88, to permit the establishment of a coffee shop deli and take-out food business in one of the units of the building. The following variances were requested by the applicant:

1. The access driveway to the parking area is as close as 0.0 m to the nearest residentially zoned lands instead of 30.0 m required;
2. The parking spaces upon the lands are as close as 0.0 m to the nearest residentially zoned lands instead of 12.0 m required;
3. There is no 1.5 m wide planting strip adjacent to the parking area and East 26th Street.

The Planning and Development Department comments submitted in connection with the minor variance application supported the requested variances on the grounds that:

"It is understood that the proposed coffee shop deli and take-out food business is to be a tenant within the existing medical office building. It is felt that introduction of the proposed use would not further aggravate the existing situation. Accordingly, the department is not opposed to the application.

It should be noted that this application differs from application (A-92-92), in that the use is to be a separate tenant within a medical office complex, whereas the other application is to establish a restaurant use within a single building."

The Committee of Adjustment denied the application for the following reasons:

- The Committee is of the opinion that the proposed occupancy together with the requested variances would have an undesirable impact on the abutting residential neighbourhood contrary to the intent of the provisions of the by-law.
- The Committee having regard to the evidence is of the opinion that the relief requested is beyond that of a minor nature.
- That after consideration of the application and from the evidence submitted it is the Committee's opinion the relief requested herein is undesirable for the appropriate development of the land and building and is inconsistent with the general intent and purpose of the By-law and of the Official Plan as referred to in Section 44 of The Planning Act, 1983.

APPLICANT:

394553 Ontario Limited, (John & Dan Pasquale), owners.

LOT SIZE AND AREA:

- 26.32 m (86.37') of lot frontage on Concession Street;
- 31.73 m (104.12') average lot depth; and,
- 835.63 m² (8,995 sq. ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject lands</u>	one storey - 7 unit commercial building (medical offices)	"H" (Community Shopping and Commercial, etc.) District
<u>Surrounding Lands</u>		
to the north	Henderson Hospital	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District
to the south	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the east and west	commercial	"H" (Community Shopping and Commercial, etc.) District

OFFICIAL PLAN:

The subject lands are designated **Commercial** on Schedule A - Land Use Concept of the Official Plan and the following policies, among others, would apply:

- "A.2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:
- i) "Ribbon" Commercial uses on smaller lots serving predominantly residents and pedestrians in the vicinity, with some specialized Commercial uses attracting automobile borne traffic from beyond the local area.
- A.2.2.24 Council will encourage and, where feasible, assist in the provision of adequate off-street parking facilities in all other EXTENDED COMMERCIAL areas where existing parking problems are identified. Such parking facilities will be:
- i) Readily accessible from the main thoroughfare serving the EXTENDED COMMERCIAL area, including via side-streets off the main thoroughfare; and,
 - ii) Preferably to the rear of the EXTENDED COMMERCIAL development where their use will not adversely impact the amenity of adjacent Residential areas, subject to the General Provisions herein.
- A.2.2.37 Where a proposal is made for a COMMERCIAL development in which proposed parking and/or loading space is less than generally required, it must be demonstrated by the proponent to the satisfaction of Council that the proposal will not lead to nuisances through the parking or loading of vehicles on land or streets adjacent to the use. (O.P.A. No.46)"

The proposal would not conflict with the intent of the Official Plan, providing policies A.2.2.14 and A.2.2.37 are met.

NEIGHBOURHOOD PLAN:

A Neighbourhood Plan is not available for the Eastmount Neighbourhood.

COMMENTS RECEIVED:

- The Building Department has advised that:

"This modification does not comply with 3 of the 4 requirements under Section 18A(36) and has previously been denied by the Committee of Adjustment (A-92-88)."
- The Traffic Department has advised that:

"We find the request to modify the "H" zoning to permit the establishment of a take-out deli to be satisfactory subject to the use being restricted to 650 square feet (Unit 664)."

- The Hamilton Wentworth - Roads Department has advised that:

"There are public watermains on both Concession Street and East 26th Street. There are combined storm and sanitary sewers on Concession Street, however there are no sewers on East 26th Street.

The existing and designated road allowance width of Concession Street is 20.21m (66 ft.). The existing road allowance width of East 26th Street is 17.37m (57ft.). At such time as Concession Street and East 26th Street are constructed to their ultimate cross-sections, the applicant should be advised of a possible future 2m x 2m daylight triangle at the southeast corner of Concession and East 26th Streets.

Any works which may occur within the Concession Street road allowances or the East 26th Street road allowance must conform to the respective Streets By-law.

Comments from the City of Hamilton Traffic Department with respect to access, parking etc. should be considered.

We have reviewed this application on the basis that there will be a use at 664 Concession Street only within the existing structure."

- The Hamilton Region Conservation Authority has no comments or objections.

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.
2. A restaurant is a use permitted "as-of-right" within the established "H" (Community Shopping and Commercial, etc.) District. In this regard, approval of the application would require the following by-law variances with respect to the special parking provisions for restaurants as set out in Section 18A(36) of the Zoning By-law:
 - To permit the parking spaces upon the lands to be as close as 0.0 m to the nearest residentially zoned lands instead of 12.0 m required (Section 18A(36)1.(b));
 - To exempt the development from providing a 1.5 m wide planting strip adjacent to the parking area and East 26th Street (Section 18A(36)1.(c));
 - To permit the access driveway to the parking area for a take-out restaurant/ delicatessen use to be as close as 0.0 m to the nearest residentially zoned lands instead of 30.0 m required (Section 18A(36)2.).

As previously noted (see BACKGROUND), the Committee of Adjustment has denied two previous minor variance applications to permit the establishment of a take-out food business (restaurant) at this location. However, from a Planning perspective the requested modification in zoning has merit and can be supported for the following reasons:

- No additional parking spaces are required for the proposed take-out restaurant/delicatessen use, and the requested variances would only apply to the existing parking situation. In this regard, it is felt that the introduction of the proposed use would not further aggravate the existing situation. Furthermore, no changes are proposed to the existing parking layout or driveway approaches;
- It complies with the intent of the Official Plan, in that the use will predominately serve the residents and pedestrians in the vicinity; and,
- The proposed use would be compatible with existing development in this area comprised of the Henderson Hospital to the north; commercial development to the east and west; and, given the existing situation, should not adversely affect single-family development to the south.

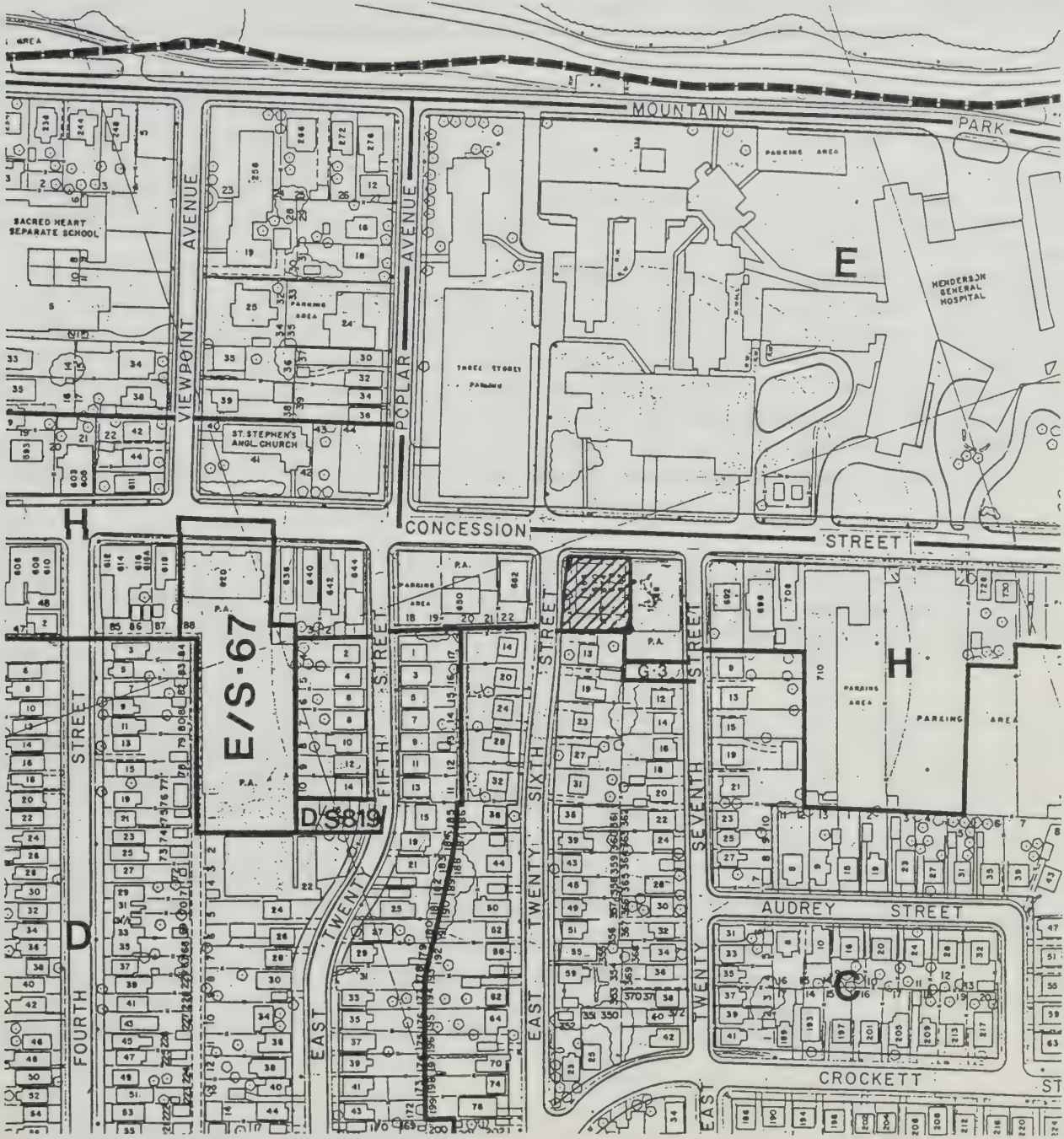
For the information of the Committee, with respect to the Department's comments on the first minor variance application (see Background A-83-98), it should be noted that at the time the new parking regulations for restaurants were more strictly adhered to. However, on the basis of subsequent experience with these matters, and given that the proposed use would not alter the existing situation, the second application (ie. A-92-88) was supported.

3. The Traffic Department is satisfied with the proposal, provided that the take-out delicatessen is restricted to a maximum floor area (650 sq.ft.). In this regard, it is suggested that the amending By-law restrict the use to one take-out restaurant/delicatessen having a maximum gross floor area of 60.0m² (650 sq. ft.) within the existing building.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

GAW/ma
ZA9237



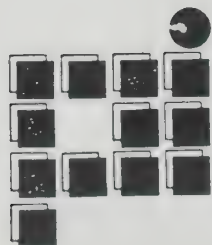
Legend



Site of the Application



ZA-92-37



**planning
initiatives ltd.**
engineers, planners and landscape architects

☐ 379 Queen Street S.
Kitchener, Ontario
N2G 1W6
Tel. (519) 745-9455
Fax (519) 745-7647

☒ 118 Jackson Street E.
Hamilton, Ontario
L8N 1L3
Tel. (416) 546-1010
Fax (416) 546-1011

September 9, 1992

FILE No. HP224

The Regional Municipality of
Hamilton Wentworth
Planning & Development Department
71 Main Street West,
Hamilton, Ontario
L8N 3T4

ATT: Mr. Paul Mallard, MCIP
Division Head

Dear Sir:

RE: 664 Concession Street
H - Commercial Rezoning Modification to allow a Take-Out
Deli Establishment

Mr. John Pasquale & Mr. Dan Pasquale were previously denied a minor variance by the Committee of Adjustment to permit the use of a take-out deli establishment at this address. It was denied on the basis that the Committee considered the requested variance beyond minor in nature.

Modification to the H commercial zoning designation is being requested as a result of not being able to accommodate the following Hamilton Zoning Bylaw requirement:

Section 18A (36) (b)
18A (36) (c)
18A (36) 2
18A 1D Table IV Line II

a) the parking spaces upon the lands as close as 0.0m to the nearest residential zoned land instead of 12.0 away.

b) there is no 1.5m planting strip adjacent to East 26th Street.

c) the access driveway to the parking area is as close as 0.0m to the nearest residentially zoned lands instead of 30.0m away.

d) the minimum number of loading spaces required.

The building is an existing professional commercial plaza containing 7 units, 6 units are being leased for professional

APPENDIX B

medical use. The site is designated for commercial use in the Hamilton Official Plan and is zoned H - commercial. The total square footage of the entire plaza is approximately 5050 square feet. The end unit proposed for the take-out deli is 650 square feet. There are a total of 7 parking stalls in the rear of the commercial block allocated to each unit proportionately.

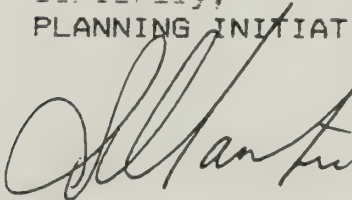
The intended use of the 650 square foot commercial unit is to establish a small scale take out deli. There will be no public seating arrangement in the deli, individuals purchasing food will only be able to purchase an order and must eat outside the establishment. Therefore no parking will be required for customers. Exemption from the loading facility is also being requested. The 650 square foot establishment will not necessitate a loading facility due to the small scale of commercial loading which will take place on a daily basis.

There will not be an intensive kitchen facility, a microwave/hot plate will be the only means to heating food when required. The Deli is mainly to serve the patients and workers at the Henderson Hospital Cancer Clinic and will operate from a 7:00 am to 7:00 pm schedule.

Demand for such an establishment is evident as seen with the numerous petitions and letters by various residents and professionals in area that have been forwarded to the Pasquale's (please find enclosed). Such an establishment is in keeping with the surrounding commercial developments in the Neighbourhood. The intensity is a down scale commercial use and is intended to accommodate the lack of takeout food establishments in the area.

We trust the above information is adequate and that it will address the zoning modification concerns. If you require further information please do not hesitate to contact me at your available convenience. Thank you for your co-operation and assistance to date.

Sincerely,
PLANNING INITIATIVES LTD.



Sergio Manchia, B.A.,
Planner

cc: Mr. John & Dan Pasquale

APPENDIX B



Hamilton Regional Cancer Centre

699 CONCESSION STREET, HAMILTON, ONTARIO L8V 5C2

■ TEL: (416) 387-9495 ■ FAX: (416) 575-6323

Centre Régional de Cancérologie de Hamilton

June 5, 1992

Mrs. Patricia Pasquale,
72 Stonechurch Rd. W.,
Hamilton, Ontario
L9B 2H8

Dear Mrs. Pasquale:

Thank you for your letters 1 June, 14 May and 30 April relating to your plans to establish your delicatessen/cafe across from the new Cancer Centre. It sounds like a very interesting and exciting venture for you and I wish you all the success.

Your proposal with respect to the supply of quality sandwiches, salads and soups to the Centre is most interesting. In fact, several people have approached us along similar lines for the provision of some sort of food and coffee services within the Centre. The volunteers within the Centre are volunteers of the Canadian Cancer Society which as you appreciate is a separate organization and are not connected with us in the same way that the hospital's volunteer association is with them. As a result, your suggestion of supplying through the volunteers may not work quite as well as you suggest. The concept that other groups are suggesting revolve more around the provision of a service to staff and patrons of the Centre wherein the operator would have an arrangement with the Centre for use of space and access to our patient/staff market. If you are interested in pursuing such a business venture within the Centre in addition to your activities at 664 Concession, I would be happy to hear from you with respect to your proposals.

May I wish you all success in the opening of your cafe and certainly expect that it will provide a pleasant and welcomed alternative to the services available through this Centre and the Henderson Hospital.

Thank you very much for your interests. All the best.

Sincerely,

Ian B. Campbell,
Chief Operating Officer

IC/ml

APPENDIX

May 1, 1992

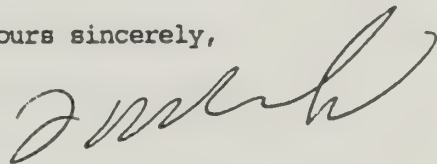
City of Hamilton

To Whom It May Concern:

Re: Establishment of a Cafe at 664 Concession Street

I run a small independent health facility (X-ray Clinic) just down the street from 664 Concession Street. Our staff of approximately eighteen people have no reservations about the establishment of the cafe in our neighborhood. In fact, we are delighted that such a facility may be developed, as it is sadly needed. The small businesses in the region are desperate for more eating establishments. The presence of the new Regional Cancer Centre as well will benefit from this.

Yours sincerely,



Dr. T. Minuk
Chief Radiologist
Concession X-ray and Ultrasound
688 Concession Street
Hamilton, Ontario

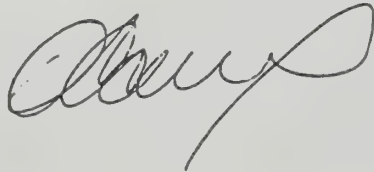
APPENDIX

C

I, as the owner of Lopresti's Pharmacy, would not be opposed to the establishment of a delicatessen/cafe at 664 Concession.

ADDRESS-696 Concession

SIGNATURE-

A handwritten signature in cursive script, appearing to read "Lopresti", written in dark ink.

Paul D. Fawcett, B.Sc., M.D., F.R.C.S.
662 Concession Street
Hamilton, Ontario L8V 1B8
387-9382
Fax: 387-6090

May 20, 1992

Pat Pasquale, R.T.
Ultrasound Department
Henderson Hospital
Hamilton, Ont.

Dear Pat:

Re: Proposal of Restaurant on East 26th St. and Concession St.

I was delighted to hear that you were interested in establishing a restaurant since there are actually no good eating facilities within easy walking distance of the Henderson Hospital. I also know that there are no food facilities put in the new Cancer Research Centre. I think that this provides an excellent alternative for people desiring reasonable food and I don't think that there would be a significant impact on parking since most people using this would be during the day and I believe would have already parked their car while on hospital business.

I have no serious objections and would welcome you to the neighbourhood.

Sincerely yours,



Paul Fawcett, M.D., F.R.C.S. (C)

PF:dl

I, as the owner of Cooper's Flower Shop, would not be opposed to the establishment of a delicatessen/cafe at 664 Concession.

ADDRESS-22 East 25th Street

SIGNATURE-

R Cooper

"Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noe Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department, and Alderman D. Drury, Chairperson, Planning and Development Committee - 1992 November 12".

DAVID I. A. WISMER

NOV 12 1992

6a)

Orthopaedic Surgeon
Special Interest in Arthroscopy,
Arthroplasty and Sports Medicine

666 Concession Street
CITY CLERKS
Hamilton, ON L8V 4T9
(416) 575-3300

November 3, 1992

Planning and Development Committee
Corporation of the City of Hamilton
City Hall

RE: Application from 394553 ONTARIO LIMITED (L. & D. PASQUALE),
for modification of the established "H", district regulations for
property located at Nos. 664-682 Concession Street (Unit 664).

I presently am located in the adjacent unit to the proposed changes
at 666 Concession.

I practise as an orthopedic surgeon in the community.

I have been in my present location for the past five years.

I am strongly against any proposed modification in the zoning of
the unit adjacent to me.

Changing the zoning so that a delicatessen (restaurant) could be
located in this facility would be inappropriate in my mind. This
would open up the next possibility of a beer and wine or alcohol
licence and the use of the adjacent properties for a patio type
cafe.

Already parking is very limited in the area for patients and this
would only add to the stress that we are feeling with the Cancer
Clinic in place now and an expanded use of outpatient facilities
at the Henderson along with the professional facilities of the
buildings adjacent to the proposed site.

In addition, the garbage that the restaurant would generate would
be a concern as already when the unit was being used as a florist
shop, there was excessive garbage compared to what it is now that
the unit lies empty.

In addition, I think environmentally it would be less than ideal
to have a facility immediately adjacent to my office involved in
baking or cooking goods.

At the present time our ventilation systems are hooked up and I would anticipate the odour from operating such a facility would be detrimental and annoying.

This building has been occupied traditionally by professional people and I feel it should continue to be considered a professional building rather than it producing a hybrid type of effect.

By rezoning I understand that this would also allow for the utilization of other units adjacent to me to become for instance a laundromat or an entertainment centre.

I strongly oppose the proposed modification in zoning. I feel that allowing this type of activity to occur in this particular professional building would be a gross injustice to both the patients attending my office and to the other physicians in the facility.

Unfortunately I will be unable to attend the meeting on November the 18th, 1992, as I had previously arranged to be out of the country prior to notification of this meeting; notification being October 26, 1992. I would be pleased to attend any other meetings that are being planned with regards to this particular application subsequent to the Wednesday, November 18, 1992 meeting.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'D. Wismer', with a long horizontal flourish extending to the right.

David Wismer, M.D., F.R.C.S.C.

DW:dw
November 8, 1992

CITY OF HAMILTON
- INFORMATION -

7.
RECEIVED

NOV 12 1992

CITY CLERKS

DATE: 1992 November 12

REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: M.V. Mascarenhas
General Manager, Housing Department

SUBJECT: 1993-2002 CAPITAL BUDGET

BACKGROUND:

The following is a list of Capital Projects being submitted by the Housing Department to the Management Team for consideration in the 1993-2002 Provisional Capital Budget.

1.0	Land Banking Reserve	\$1,000,000	(1993)
2.0	Land Banking Reserve	\$9,000,000	(1994-2002)
3.0	Upgrade of Ada Pritchard and Macassa Park	\$1,339,000	(1994-2002)

These projects were included in the 1992-2001 Capital Program.



M.V. Mascarenhas, General Manager, Housing Department

The Corporation of the City of Hamilton

PROJECT NUMBER _____
(Treasury to complete)

**1993-2002 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM**

1. DEPARTMENT/LOCAL BOARD: Hamilton Housing Company
2. PROJECT NAME: Upgrade of Ada Pritchard and Macassa Park Apartments
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
On-going upgrade of 61 seniors units to bring the accommodation to current standards for human safety, reduction of maintenance and operating cost and access and tenant comfort. Work will be staged over a 9 year period commencing 1994.
4. DEPARTMENTAL PRIORITY ORDER: 3
5. NATURE OF PROJECT: -
 - (a) MAINTENANCE OF AN EXISTING PROJECT _____
 - (b) HARD SERVICE x
 - (c) SOFT SERVICE _____
6. PROJECT JUSTIFICATION:
 - (a) STRATEGIC DIRECTION
(Image of the City, Quality of Life, Transportation) x
 - (b) HEALTH/SAFETY/ENVIRONMENT x
 - (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT _____
 - (d) NEEDS ANALYSIS (Demand, Equitable, Cost / Benefit) x
 - (e) ECONOMIC DEVELOPMENT x
 - (f) PRODUCE JOBS IN THE PRIVATE SECTOR x
 - (g) MAINTAIN EXISTING SERVICE
(Roads, Buildings, Other basic infrastructure) x
 - (h) REDUCE ONGOING COST
(Staffing and/or resource requirements) _____
7. FEASIBILITY STUDY:
 - (a) DATE (MONTH-YEAR): _____
 - (b) GROSS COST \$ _____
8. (a) PROJECT STARTING DATE (MONTH-YEAR)
(Year of O.M.B. approval): Jan/94
- (b) PROJECT FINISHING DATE (MONTH-YEAR): Dec/2002
9. (a) GROSS COST OF PROJECT
IN YEAR-OF-START DOLLARS: \$ 1,339,000
- (b) LESS PROVINCIAL SUBSIDIES: \$ 0
- (c) LESS OTHER RECEIPTS (Specify): _____ \$ 0
- (d) NET CITY'S COST: \$ 1,339,000
10. (a) YEAR OF EXPENDITURE:

- 1993 \$ <u>0</u>	- 1998 \$ <u>100,000</u>
- 1994 \$ <u>200,000</u>	- 1999 \$ <u>80,000</u>
- 1995 \$ <u>560,000</u>	- 2000 \$ <u>60,000</u>
- 1996 \$ <u>200,000</u>	- 2001 \$ <u>20,000</u>
- 1997 \$ <u>100,000</u>	- 2002 \$ <u>19,000</u>

11. ESTIMATE PREPARED BY:
 (a) PROPERTY DEPARTMENT - ARCHITECT DIVISION
 No X Yes
 (b) If no, the basis of assumptions Condition and cost survey prepared
 by Bruce Rankin Architects Ltd.
12. ADDITIONAL JOBS TO BE CREATED BY PROJECT:
 (a) WITHIN THE CITY DEPARTMENTS 0
 (b) IN THE COMMUNITY 40
13. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:
 (a) FIRST YEAR - DATE (MONTH-YEAR) Jan/95
 (b) GROSS COST (All Inclusive) \$ 20,000
 (c) LESS RECOVERY/REVENUE \$ 0
 (d) NET CITY'S COST \$ 20,000
 (e) FOLLOWING YEAR - DATE (MONTH-YEAR) Jan/96
 (f) GROSS COST (All Inclusive) \$ 76,000
 (g) LESS RECOVERY/REVENUE \$ 0
 (h) NET CITY'S COST \$ 76,000
14. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:
Seniors may have to vacate units

15. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?
 No Yes X ; If yes,
 (a) PROJECT NO. (1992-2001 Capital Budget) partially 5.0
 (b) AT CITY'S COST OF \$ 91,000 over 15 years
 (c) SCHEDULED TO START IN THE YEAR 1995



Signature of Department Head/
 Local Board Manager
 October 6, 1992

Signature of C.A.O.

Date

Date

16. FUNDING (Treasury Department To Complete):
 (a) NATURE OF PROPOSED FINANCING: _____
 (b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:
 Yes No
 (c) IF DEBENTURE FINANCING:
 (i) ANNUAL DEBENTURE FINANCING COST: \$ _____
 (ii) TOTAL CARRYING COST OF RETIRING DEBT: \$ _____

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architect Division, Property Department.

The Corporation of the City of Hamilton

PROJECT NUMBER _____
(Treasury to complete)

1993-2002 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

- Municipal Non Profit (Hamilton)
1. DEPARTMENT/LOCAL BOARD: Housing Corporation
 2. PROJECT NAME: Landbanking for Non Profit Housing
 3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
City Council approved creation of the landbanking reserve. See attached. The reserve permits the Municipal Non Profit (Hamilton) Housing Corporation to close land transactions while awaiting Ministry of Housing funding. Once mortgage funds are received, the City is reimbursed with interest.
 4. DEPARTMENTAL PRIORITY ORDER: 1
 5. NATURE OF PROJECT:
 - (a) MAINTENANCE OF AN EXISTING PROJECT X
 - (b) HARD SERVICE _____
 - (c) SOFT SERVICE _____
 6. PROJECT JUSTIFICATION:
 - (a) STRATEGIC DIRECTION
(Image of the City, Quality of Life, Transportation) X
 - (b) HEALTH/SAFETY/ENVIRONMENT _____
 - (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT _____
 - (d) NEEDS ANALYSIS (Demand, Equitable, Cost / Benefit) _____
 - (e) ECONOMIC DEVELOPMENT X
 - (f) PRODUCE JOBS IN THE PRIVATE SECTOR X
 - (g) MAINTAIN EXISTING SERVICE
(Roads, Buildings, Other basic infrastructure) _____
 - (h) REDUCE ONGOING COST
(Staffing and/or resource requirements) _____
 7. FEASIBILITY STUDY:
 - (a) DATE (MONTH-YEAR): N/A
 - (b) GROSS COST \$ _____
 8. (a) PROJECT STARTING DATE (MONTH-YEAR)
(Year of O.M.B. approval): Jan/93
 - (b) PROJECT FINISHING DATE (MONTH-YEAR): Dec/93
 9. (a) GROSS COST OF PROJECT
IN YEAR-OF-START DOLLARS: \$ 1,000,000
 - (b) LESS PROVINCIAL SUBSIDIES: \$ 1,000,000
 - (c) LESS OTHER RECEIPTS (Specify): _____ \$ --
 - (d) NET CITY'S COST: \$ 0
 10. (a) YEAR OF EXPENDITURE:
 - 1993 \$ 1,000,000
 - 1994 \$ _____
 - 1995 \$ _____
 - 1996 \$ _____
 - 1997 \$ _____
 - 1998 \$ _____
 - 1999 \$ _____
 - 2000 \$ _____
 - 2001 \$ _____
 - 2002 \$ _____

11. ESTIMATE PREPARED BY:

(a) PROPERTY DEPARTMENT - ARCHITECT DIVISION

No ☒ Yes ☐

(b) If no, the basis of assumptions Council Resolution

12. ADDITIONAL JOBS TO BE CREATED BY PROJECT:

(a) WITHIN THE CITY DEPARTMENTS

Nil

(b) IN THE COMMUNITY

30 annually

13. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:

(a) FIRST YEAR - DATE (MONTH-YEAR)

Nil

(b) GROSS COST (All Inclusive)

\$

(c) LESS RECOVERY/REVENUE

\$

(d) NET CITY'S COST

\$

(e) FOLLOWING YEAR - DATE (MONTH-YEAR)

(f) GROSS COST (All Inclusive)

\$

(g) LESS RECOVERY/REVENUE

\$

(h) NET CITY'S COST

\$ Nil

14. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:

The Municipal Non Profit (Hamilton) Housing Corporation will have difficulty obtaining and retaining housing development sites resulting in reduced production. This impacts negatively on the City's image, housing market and also reduces City development charges/building permit revenue.

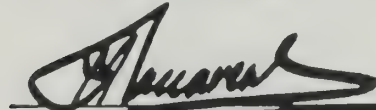
15. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

No ☐ Yes ☒ ; If yes,

(a) PROJECT NO. (1992-2001 Capital Budget) 6.0

(b) AT CITY'S COST OF \$ Ø

(c) SCHEDULED TO START IN THE YEAR 1992



Signature of Department Head/

Local Board Manager

October 6, 1992

Date

Signature of C.A.O

Date

16. FUNDING (Treasury Department To Complete):

(a) NATURE OF PROPOSED FINANCING:

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ☐ No ☐

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: \$

(ii) TOTAL CARRYING COST OF RETIRING DEBT: \$

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architect Division, Property Department.

The Corporation of the City of Hamilton

PROJECT NUMBER _____
(Treasury to complete)

**1993-2002 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM**

Municipal Non Profit (Hamilton)

Housing Corporation

1. DEPARTMENT/LOCAL BOARD: _____
2. PROJECT NAME: Landbanking for Non Profit Housing
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
City Council approved creation of the landbanking reserve. See attached.
The reserve permits the Municipal Non Profit to close land transactions
while awaiting Ministry of Housing funding. Once mortgage funds are
received, the City is reimbursed with interest.
4. DEPARTMENTAL PRIORITY ORDER: 2
5. NATURE OF PROJECT: _____
 - (a) MAINTENANCE OF AN EXISTING PROJECT X
 - (b) HARD SERVICE _____
 - (c) SOFT SERVICE _____
6. PROJECT JUSTIFICATION:
 - (a) STRATEGIC DIRECTION
 (Image of the City, Quality of Life, Transportation) X
 - (b) HEALTH/SAFETY/ENVIRONMENT _____
 - (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT _____
 - (d) NEEDS ANALYSIS (Demand, Equitable, Cost / Benefit) _____
 - (e) ECONOMIC DEVELOPMENT X
 - (f) PRODUCE JOBS IN THE PRIVATE SECTOR X
 - (g) MAINTAIN EXISTING SERVICE
 (Roads, Buildings, Other basic infrastructure) _____
 - (h) REDUCE ONGOING COST
 (Staffing and/or resource requirements) _____
7. FEASIBILITY STUDY:
 - (a) DATE (MONTH-YEAR): N/A
 - (b) GROSS COST \$
8. (a) PROJECT STARTING DATE (MONTH-YEAR)
 (Year of O.M.B. approval): Jan/94
- (b) PROJECT FINISHING DATE (MONTH-YEAR): Dec/2002
9. (a) GROSS COST OF PROJECT
 IN YEAR-OF-START DOLLARS: \$ 9,000,000
- (b) LESS PROVINCIAL SUBSIDIES: \$ 9,000,000
- (c) LESS OTHER RECEIPTS (Specify): \$ --
- (d) NET CITY'S COST: \$ Ø
10. (a) YEAR OF EXPENDITURE:

- 1993 \$ <u>Ø</u>	- 1998 \$ <u>1,000,000</u>
- 1994 \$ <u>1,000,000</u>	- 1999 \$ <u>1,000,000</u>
- 1995 \$ <u>1,000,000</u>	- 2000 \$ <u>1,000,000</u>
- 1996 \$ <u>1,000,000</u>	- 2001 \$ <u>1,000,000</u>
- 1997 \$ <u>1,000,000</u>	- 2002 \$ <u>1,000,000</u>

- NOTE:** Estimates of all building related projects and the related operating cost must be provided by the Architect Division, Property Department.

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1992

PLANNING AND DEVELOPMENT COMMITTEE

WEDNESDAY, 1992 DECEMBER 02

CONSENT AGENDA

A. ADOPTION OF THE MINUTES

Minutes of the meeting held 1992 November 18

B. DIRECTOR OF PUBLIC WORKS

5th and 6th Annual Business Development Seminars

C. BUILDING COMMISSIONER

(a) Demolitions:

- (i) 122 Province Street North (previously tabled)
- (ii) 829 Rymal Road East
- (iii) 1512 Upper Gage Avenue

(b) Development of Joint Programme with the Ministry of Social Services

(c) Hamilton Emergency Loan Programme (H.E.L.P.)

D. COMMISSIONER OF PLANNING AND DEVELOPMENT

1993 Work Programme

A

Wednesday, 1992 November 18
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman D. Drury, Chairperson
Alderman F. Eisenberger
Mayor R. Morrow
Alderman M. Kiss
Alderman W. McCulloch
Alderman D. Wilson
Alderman B. Charters
Alderman H. Merling
Alderman F. D'Amico

Also present: Alderman T. Cooke
Alderman G. Copps
V. Abraham, Planning Department
P. Mallard, Planning Department
J. Hickey-Evans, Planning Department
B. Janssen, Planning Department
M. L. Tanner, Planning Department
E. Chajka, Transportation/Environmental Services
J. McNeilly, Public Works Department
C. Firth-Eagland, Public Works Department
P. Lampman, Building Department
W. Wong, Building Department
D. Powers, Law Department
R. Karl, Traffic Department
T. Agnello, Secretary

1. **CONSENT AGENDA**

A. **ADOPTION OF THE MINUTES**

The minutes of the meeting held 1992 November 4 were approved as circulated.

B. **SENIOR DIRECTOR, ROADS DEPARTMENT**

(a) **Wisemount Estates - Phase 1 (Cash-in-lieu of 5% Parkland Dedication)**

As recommended by the Senior Director, Roads Department, in a report dated 1992 November 4, the Committee recommended to Council as follows:

That the City of Hamilton accept the sum of \$11,356 as cash payment in lieu of the 5% land dedication in connection with Wisemount Estates - Phase 1, Hamilton, located in the Lisgar Neighbourhood on the west side of Upper Kenilworth Avenue, between Landron Avenue and Limeridge Road East, being the cash payment required under Section 51 of the Planning Act.

(b) **Edan Heights - Phase 3 (Cash-in-lieu of 5% Parkland Dedication)**

As recommended by the Senior Director, Roads Department, in a report dated 1992 October 29, the Committee recommended to Council as follows:

That the City of Hamilton accept the sum of \$9,180 as a cash payment in lieu of the 5% land dedication in connection with Edan Heights - Phase 3, Hamilton, located in the Butler Neighbourhood on Acadia Drive, south of Stone Church Road East and west of Upper Sherman Avenue, being the cash payment required under Section 51 of the Planning Act.

C. **DIRECTOR OF PUBLIC WORKS**

International Village Business Improvement Area; Expansion of Boundaries

As recommended by the Director of Public Works in a report dated 1992 November 10, the Committee recommended to Council as follows:

(a) That Item 2(a), (b) and (c) of the Eighteenth Report of the Planning and Development Committee approved by City Council on 1992 October 27 be amended to read:

(i) That the International Village Business Improvement Area boundaries be expanded to include the following:

1. both sides of King William Street from Mary to Wellington Streets
2. the east side of Mary Street from King to King William Streets
3. both sides of Ferguson Avenue from King to King William Streets
4. the west side of Wellington Street from King William to Main Street
5. Spring Street between King and Main Streets; and

(ii) That the City Clerk's Department be authorized and directed to circularize the existing BIA membership and the proposed expansion area with the notice of intent to expand the boundaries of the BIA and pass a new by-law in accordance with Section 220 of the Municipal Act; and,

(iii) That the Law Department be authorized and directed to prepare the necessary by-law.

D. **BUILDING COMMISSIONER**

(a) **City of Hamilton Heritage Programme - 235 Bowman Street**

As recommended by the Building Commissioner in a report dated 1992 November 10, the Committee recommended to Council as follows:

That a repayable loan under the Community Heritage Trust Fund in the amount of fifty thousand dollars (\$50,000) be approved for John J. Ross, in Trust, for the Hamilton Hebrew Academy, 235 Bowman Street, Hamilton. The interest rate will be six per cent, amortized over 10 years with a monthly payment of \$555.10.

(b) Demolition Permits**(i) 17 Crosthwaite Avenue North**

As recommended by the Building Commissioner in a report dated 1992 November 9, the Committee recommended to Council as follows:

That the Building Commissioner be authorized to not issue a demolition permit for 17 Crosthwaite Avenue North.

(ii) 122 Province Street North

The Committee was in receipt of a report from the Building Commissioner dated 1992 November 9.

Upon the request of Alderman Wilson, the Committee moved that this item be tabled to the next Planning and Development Committee meeting.

(iii) 547 Wilson Street

As recommended by the Building Commissioner in a report dated 1992 November 9, the Committee recommended to Council as follows:

That the Building Commissioner be authorized issue a demolition permit for 547 Wilson Street.

E. COMMISSIONER OF PLANNING AND DEVELOPMENT**Grant Agreement with the Minister of Culture and Communications regarding the Durand Markland Heritage Conservation District report**

As recommended by the Commissioner of Planning and Development in a report dated 1992 October 28, the Committee recommended to Council as follows:

That the Mayor and City Clerk be authorized to sign the standard Grant Agreement required by the Minister of Culture and Communications for the transfer of funds to the City for the Durand Markland Heritage Conservation District Study and Plan.

F. INFORMATION REPORTS**(a) Mobile Signs Regulations**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1992 November 10.

(b) Approved Site Plan Control Application

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1992 November 10.

(c) Summary of Revenues and Expenditures for the nine months ended 1992 September 30 compared with budget

The Committee was in receipt of a report from the City Treasurer dated 1992 October 23.

(d) **Recent Administrative Tribunal Update: Ontario Municipal Board**

The Committee was in receipt of a report from the City Solicitor dated 1992 October 23.

(e) **Feasibility of charging differential fees for residential and non-residential zoning verification/property reports**

The Committee was in receipt of a report from the Building Commissioner dated 1992 October 27.

(f) **Request from Alderman Kiss: Traffic devices in the vicinity of Glendale Avenue North and Primrose Avenue**

The Committee moved that the above-noted report from the Secretary of the Planning and Development Committee be removed from the agenda and referred to the Transport and Environment Committee.

2. **BUILDING COMMISSIONER**

Alderman Cooke was present on behalf of a delegation of area residents which are unable to attend the meeting.

He explained that he is concerned that four residential care facilities located within a half block are operating under the auspices of foster home. He suggested that this is a commercial use within a residential area. He felt that the definition of foster home is where a family takes in a child or children. In these homes there are hired staff on a rotating basis who are responsible for various residents.

As recommended by the Building Commissioner in a report dated 1992 November 17, the Committee recommended that the Planning and Building Departments re-examine the definitions of "foster home" and a "residential care facility" with the purpose of ensuring that "foster homes" licensed by the Province are regulated by Zoning By-law 6593 with respect to location and density.

3. **DIRECTOR OF PUBLIC WORKS**

(a) **North End East West P.R.I.D.E Anti-Recession Programme; Approval of Community Improvement Plan and financing**

Chris Firth-Eagland reviewed the report with the Committee. He explained that many public meetings have been held and the public has given full endorsement of the plan presently before the Committee. City Council has already approved the development of the Pier 4 Park within the master plan. The Plan includes pedestrian linkages, lighting and landscaping details. The only item of concern may be the Bay Street North closure which the chamber of Commerce has some reservations about. This closure has been approved by Council one and one half years previous.

Alderman Merling advised that the Bay Street closure has never formally been approved by the Transport and Environment Committee and it has also not come before Regional Committee.

Alderman McCulloch felt that the road closure will enhance the park and the neighbourhood. He advised that access to the park will be via James Street and John Street and possibly MacNab Street.

Alderman Wilson added that the turn from Bay Street to Guise Street is dangerous.

In response to an inquiry regarding traffic, Mr. Karl advised that because no master plan is in place, the Traffic Department is not in a position to conduct a traffic study. He added that this portion of Bay Street is considered to be a local neighbourhood road.

An amendment was placed on the floor and carried to refer the Bay Street closure to the Transport and Environment Committee.

The Committee recommended to Council the recommendation of the Director of Public Works in a report dated 1992 November 11 as amended as follows:

- (i) That pursuant to the citizen input received at a Public Meeting held 1992 November 04, the North End East and West Community Improvement Plan attached as Appendix "A" (distributed to Council members under separate cover) be approved and submitted to the Ministry of Municipal Affairs for their approval; and,
 - (ii) That the Law Department be authorized to prepare the necessary by-law to adopt the North End East and West Community Improvement Plan in accordance with (a) above; and,
 - (iii) That the Public Works Department be authorized to implement the improvements to Bay Street, Guise Street and pedestrian connections to the Waterfront Parks in accordance with the Community Improvement Plan at a total estimated cost of \$400,000., 50% Provincial and 50% Municipal including all accrued interest; (the closure of Bay Street to be subject to review and approval of the Transport and Environment Committee); and,
 - (iv) That the Finance and Administration Committee be requested to provide the matching funds of \$200,000. from the Pier 4 Park development funding Account No. CH 5200 419154007.
- (b) **Central Beasley Programme for Renewal, Improvement, Development and Economic Revitalization - Housing Intensification (P.R.I.D.E. H.INT.) - Implementation Plan**

Consultants Gary Heine and Virginia Burt of J.S.W. and Associates were present to review the programme. Mr. Heine advised that staff and citizens have been involved in 8 formalized meetings as well as informal discussions. A drop in centre was established to get public input as well.

Ms. Burt added that the area is bounded by Bay, Wellington, CN Tracks and York/Wilson/King William Streets. She informed the Committee that there is a cost sharing programme with schools to develop a playground area and a community centre is also proposed. A tree planting program is also scheduled to include buffering/fencing and planting to beautify the area. The programme also includes a list of optional projects which can be implemented.

In response to a question from Alderman Drury, Ms. McNeilly advised that Ferguson Avenue is under a different programme. She also stated that some road closures are being proposed but they are to go through the Transport and Environment Committee for approval.

As recommended by the Director of Public Works in a report dated 1992 November 10, the Committee recommended to Council as follows:

- (i) That the Implementation Plan for the Central/Beasley Community Improvement Project Area under the PRIDE H.INT. Programme, attached as Appendix "B", be approved; and,

- (ii) That the Community Renewal Section of the Public Works Department be authorized to implement the projects within the Plan at an upset estimated cost of \$1,095,805.90. as per the attached Appendix "C".

4. **COMMISSIONER OF PLANNING AND DEVELOPMENT**

- (a) **Hamilton GO Transportation Centre Area Study - Terms of Reference for funding - request to Province**

Bill Janssen advised that terms of reference and an estimated cost of \$60,000 are being presented as per the direction of the Planning and Development Committee. Various ministries have been contacted to determine if funding is available for the project.

Alderman Copps suggested that a representative for persons with disabilities be included on the Technical Staff Committee. She suggested that "barrier free access" be incorporated into the report.

Alderman Eisenberger suggested that if Provincial funding is not available, the study should proceed through interdepartmental teams.

As recommended by the Commissioner of Planning and Development in a report dated 1992 November 10, the Committee recommended to Council as follows:

- (i) That the City Clerk request the appropriate ministries of the Province of Ontario, including the Minister of Municipal Affairs, the Minister of Transportation, and others as deemed appropriate by staff, to consider the provision of funding for the Hamilton GO Transportation Centre Area Study, as outlined in the Terms of Reference, attached as Appendix "D" (as distributed to Council members under separate cover), in the amount of sixty thousand dollars (\$60,000.00), including the Goods and Services Tax;
- (ii) That local Members of the Provincial Parliament be advised of the municipality's requests for funding for the Hamilton GO Transportation Centre Area Study; and,
- (iii) That, if the provincial funding for the study is obtained, staff be authorized to proceed with the proposal call.

- (b) **Access for the Physically Disabled and Barrier Free Design - Amendment to the Official Plan**

Joanne Hickey-Evans reviewed amendments with the Committee. The programme is to include both civic and private initiatives.

As recommended by the Commissioner of Planning and Development in a report dated 1992 November 11, the Committee recommended to Council as follows:

- (i) That Council reaffirm its decision "to require access for persons with physical disabilities or barrier free design for all developments in the City, including both civic and private initiatives" as a City Policy;
- (ii) That the Planning and Development Committee request the Planning and Development Department to amend the existing Official Plan policy (Section C.2 - Safety and Convenience)

dealing with access and barrier free design to incorporate minor wording changes as follows:

"2.3 Council recognizes the concept of barrier free design as an important component of new development and/or redevelopment which may be realized through measures such as, but not limited to:

- (1) the ramping of sidewalks;
- (2) the requirement of appropriate access by ramps, elevator or other means to all publicly accessible buildings and open spaces;
- (3) the reservation of conveniently located and appropriately designed parking spaces for all public and private buildings for use by the physically disabled;
- (4) co-operation with the appropriate public agencies to investigate and implement appropriate public transportation opportunities for the physically disabled.
- (5) co-operation with the appropriate government, public, or private agencies, organizations, or committees dealing with issues related to disabilities."

and to include these modifications in the housekeeping amendment.

ZONING APPLICATIONS AND PUBLIC MEETINGS

5. **Amended ZA-92-31, Robert J.Charko, owner, for a change in zoning from "D" District to "E-2" District, for property located at No. 174 Ferguson Avenue South; Corktown Neighbourhood**

Submissions were received from the following:

- (a) Owner/occupant, 173 Forest Avenue, Hamilton
- (b) Francois and Wanda Roesch, 171 Forest Avenue, Hamilton

Paul Mallard advised that the application is to permit a 3 1/2 storey, 16 unit, multiple dwelling whereas 2 single family dwellings are permitted. This is being proposed in a stable low density residential block. The proposal conflicts with the intent of the official plan since it is an overintensification of use. Parking is proposed to the front of the property and the building will be located at the rear of the property. Of the notices circulated, 13 residents replied in favour and 17 were opposed.

Jerry Wannop was present on behalf of the developer. He circulated an original zoning map and photos of the neighbourhood. He stated that the property will be properly landscaped and a low stone wall will be built in the rear to buffer noise. The applicant has made concessions by reducing the elevation and other requirements.

Mr. Charko stated that he works in an office at Young and John Street and feels his building will be an asset. He suggested that the neighbourhood is mixed residential and that the building would have been permitted under 1974 by-laws. The parking

is being proposed to the front of the property for safety reasons. The project will create approximately 3,000 man hours of labour.

Dave Rossi of 177 Forest Avenue asked about reasons for rezoning in 1975 to which Mr. Mallard replied that the area was rezoned to a lower density in order to preserve the character of the neighbourhood.

Mr. Rossi suggested that 13 parking spaces is not sufficient for 16 dwelling units.

Brenda King of 169 Forest Avenue was concerned with lack of privacy, added traffic and safety for children crossing to school.

Paul Roesch of 171 Forest Avenue stated that the property will be overdeveloped. He felt the owner is aware that the area is zoned low density and should remain as such.

Alderman McCulloch stated that the proposal is an overintensification of use. He also does not agree with frontyard parking. He feels the development will intrude into a single and double family neighbourhood. Alderman Wilson concurred.

The Mayor also concurred but suggested that an alternate proposal be submitted for the Committee's consideration.

As recommended by the Commissioner of Planning and Development in a report dated 1992 November 10, the Committee recommended to Council as follows:

That Zoning Application 92-31, Robert J. Charko, owner, requesting a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to "E-2" (Multiple Dwellings) District, to permit the development of the subject lands for a 3 1/2 storey, 16 unit multiple dwelling, for the property located at 174 Ferguson Avenue South, shown on the attached map marked as Appendix "E", be denied for the following reasons:

- (a) it is contrary to the intent of the Official Plan, in that the proposal is incompatible with existing and proposed development in the immediate area in terms of height, bulk, and arrangement, which would ultimately contribute to an undesirable housing mix;
- (b) it conflicts with the intent of the approved Corktown Neighbourhood Plan which designates the property "Single and Double Residential". In this regard the proposal represents high density development (i.e., 16 units or approx. 87 units per acre); and,
- (c) it represents an over intensification of land use in that the proposal would require variances with respect to required parking in the front yard, elimination of the required loading space, etc.

6. **ZA-92-37, 394553 Ontario Limited (L. & D. Pasquale), lessee, for a modification to the established "H" District regulations, for property located at No. 664-682 Concession Street (Unit 664); Easemount Neighbourhood**

The Committee was in receipt of a submission from Mr. David Wismer, M.D., 666 Concession Street, Hamilton, L8V 4T9 and Cheryl Townson of 13 East 26th Street, Hamilton, L8V 3C3.

Paul Mallard advised that a modification is being requested to the "H" District to convert one unit in a 7 unit professional office to a take out delicatessen. The request is to deal with special parking provisions.

Mr. Mallard continued by giving a brief history of the property by stating that Committee of Adjustment applications for 1992 and 1993 were denied. Planning opinion is that no additional parking will be created as a result of this use. The

application complies with the intent of the Official Plan. Of 286 notices mailed, 30 replied in favour and 14 replied in opposition.

John Ariens and Serge Manchia of Planning Initiaves and Mr. and Mrs. Pasquale, owners, were present.

Mr. Ariens advised that the establishment will be a takeout deli only which will cater to the office staff on Concession Street and the hospital. It is not expected to generate traffic. There will be no alcohol served and no seating. The hours will be from 7 a.m. to 7 p.m. The kitchen facilities will be limited with no deep fryers. This is more of a retail establishment than it is a restaurant.

Pat Pasquale advised that this business will provide a healthy alternative to the cancer patients.

Alderman Merling quoted a decision of the Ontario Municipal Board which turned over a decision of the Municipality to allow a take out restaurant based on the spillover effects to the surrounding neighbourhood. He stated that Concession Street is mixed commercial abutting a residential neighbourhood. He also suggested that if approved, this deli can be converted in any other fast food place selling pizza or chinese food.

Alderman Eisenberger felt that the establishment will be serving the surrounding medical offices and hospital and, as such, will not generate additional traffic. This use will be compatible with the Concession Street landscape.

Alderman Wilson was of the opinion that garbage and parking problems will be generated.

Alderman Charters was concerned with traffic.

A motion was placed on the floor to deny the application and was defeated.

As recommended by the Commissioner of Planning and Development in a report dated 1992 November 10, the Committee recommended to Council as follows:

That approval be given to Zoning Application 92-37, 394553 Ontario Limited, (J. & D. Pasquale), owners, requesting a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations, to permit a take-out restaurant/delicatessen within the existing building (unit 664), for property located at 664-682 Concession Street, as shown on the attached map marked as Appendix "F", on the following basis:

- (a) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to the
subject lands, be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 14(1), one take-out restaurant/delicatessen having a maximum floor area of 60.0 m² shall be permitted within the existing building;
 - (ii) That Sections 18A(36)1.(b)&(c) and 18A(36)2. shall not apply to the take-out restaurant/delicatessen;
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1296 and that the subject lands on Zoning District Map E-24 be notated S-1296;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,

- (d) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

7. GENERAL MANAGER, HOUSING DEPARTMENT (INFORMATION REPORT)

1992 - 2002 Capital Budget

Alderman Charters advised that substantial upgrades may be required for the Ada Pritchard and Macassa Park apartments. At some point in time, they may be operated as separate entities or included under the jurisdiction of the Municipal Non-Profit Board.

The Committee moved to receive the report of the General Manager dated 1992 November 12.

8. OTHER BUSINESS

Alderman Drury distributed copies of a memo dated 1986 June 18 regarding a restaurant with a view. He explained that he would like the matter reviewed and suggested that Sam Lawrence Park not be considered as a site. He recommended that staff review the report and recommend a potential site of a mountain brow restaurant.

Alderman Charters does not agree that parkland should be used as a site for a restaurant. He suggested that an existing building be converted to restaurant use. Alderman Wilson concurred.

Alderman Kiss suggested that this type of development focus on the downtown core.

Alderman Eisenberger felt that the private sector should be the driving force behind this type of development. He agreed that an existing building should be converted.

Alderman Merling was of the opinion that this proposal is untimely.

The Committee generally concurred that the proposal merits review. As such, the Committee directed Planning staff to review and prepare a report on potential sites on the mountain brow for the development of a restaurant.

9. ADJOURNMENT

There being no further business, the Committee meeting adjourned.

TAKEN AS READ APPROVED,

**ALDERMAN DON DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE**

Appendix "A" referred to
in Section 3(a)(i) of the minutes
of the Planning and Development
Committee held 1992 November 18

**NORTHEND EAST AND NORTHEND WEST
COMMUNITY IMPROVEMENT PLAN**

Northend East and Northend West - Neighbourhood Profile:

The Northend East and Northend West Neighbourhoods cover an area of approximately 285 hectares with a total population of 4,814 (1991 land use characteristics). The boundaries of the combined neighbourhoods are: on the north by the Hamilton Harbour north of Guise Street, on the east by Wellington Street North, on the south by the Canadian National Railway Freight Yards south of Strachan Street, and on the west by Hamilton Harbour, west of Bay Street North. Neighbourhood Maps are attached. (Schedules 'A' and 'B')

The Northend Neighbourhoods contain a number of areas of different land uses including commercial, residential, parkland/recreational, Harbour Commissioner's and industrial. Housing is predominantly single family (1 or 2 family) dwellings zoned "D". Commercial uses are predominantly situated on James Street North and Burlington Streets. There are three schools in the area - Centennial Public School, Bennetto Senior Public School and St. Lawrence Separate School. Land Use Maps are attached. (Schedules 'C' and 'D')

The Community Improvement Project Area

The Community Improvement Project Area is comprised of segments of the Northend East and West Neighbourhoods, extending from the CN mainline on the south, along MacNab Street North northerly to Burlington Street, east to the western edge of Eastwood Park, north to Guise and south-easterly along Guise, Leander Drive and the boundaries of the Waterfront Development to meet up with the CN lines. The Northend East and West Community Improvement Project Area, adopted by By-law 92-054, is comprised of portions of the Northend East and West Neighbourhoods. Subsequently, an amendment to this Community Improvement Project Area was adopted by City Council by By-law 92-162 on 1992 May 26 and is attached as Schedule 'E'.

Background

In 1973 the Northend Urban Renewal Redevelopment Plan was adopted by By-law for the purpose of carrying out improvements in the Northend Neighbourhoods. Since that time no major capital projects have been undertaken in that area.

Adjacent waterfront lands have been the subject of a comprehensive study completed in 1985. Development of Pier 4 and Harbourfront Parks is presently occurring but does not encroach on the Community Improvement Project Area.

Subsequently, the Northend East and West Community Improvement Project Area was formed and adopted by City Council in 1992.

A public process has been undertaken for the combined areas of the Waterfront and the Northend East and West Community Improvement Project Area. A citizen's committee was established and public meetings and design workshops were held in 1991. As a result of these and other meetings, the following improvements for the Community Improvement Project Area have been proposed.

Proposed Improvements:

During the public process, citizens and committee members expressed concern over a number of elements some of which were specifically within the Community Improvement Project Area:

- close Bay Street to link Pier 4/Harbourfront Park to Bayview Park
- bury overhead electrical wires
- redesign street and park lighting for lighting control, improved and co-ordinated design and improved security
- create/upgrade bicycle and pedestrian links/pathways
- upgrade Guise Street
- provide safe and accessible pathways to Harbourfront, Pier 4, Bayview and Eastwood Parks

Therefore, the P.R.I.D.E. Anti-Recession Programme funds will be allocated to the following:

1. Landscaping and hard surface treatment to Guise Street and Bay Street
2. Provision of new lighting on Guise and adjacent pedestrian/bicycle pathways
3. Additional landscaping as required to provide for safe and accessible bicycle and pedestrian routes connecting the Northend Community Improvement Project Area to Harbourfront, Pier 4, Bayview and Eastwood Parks as well as the Ferguson Avenue Community Improvement Project Area (attached as Schedule 'F').

These improvements conform with the official plan.

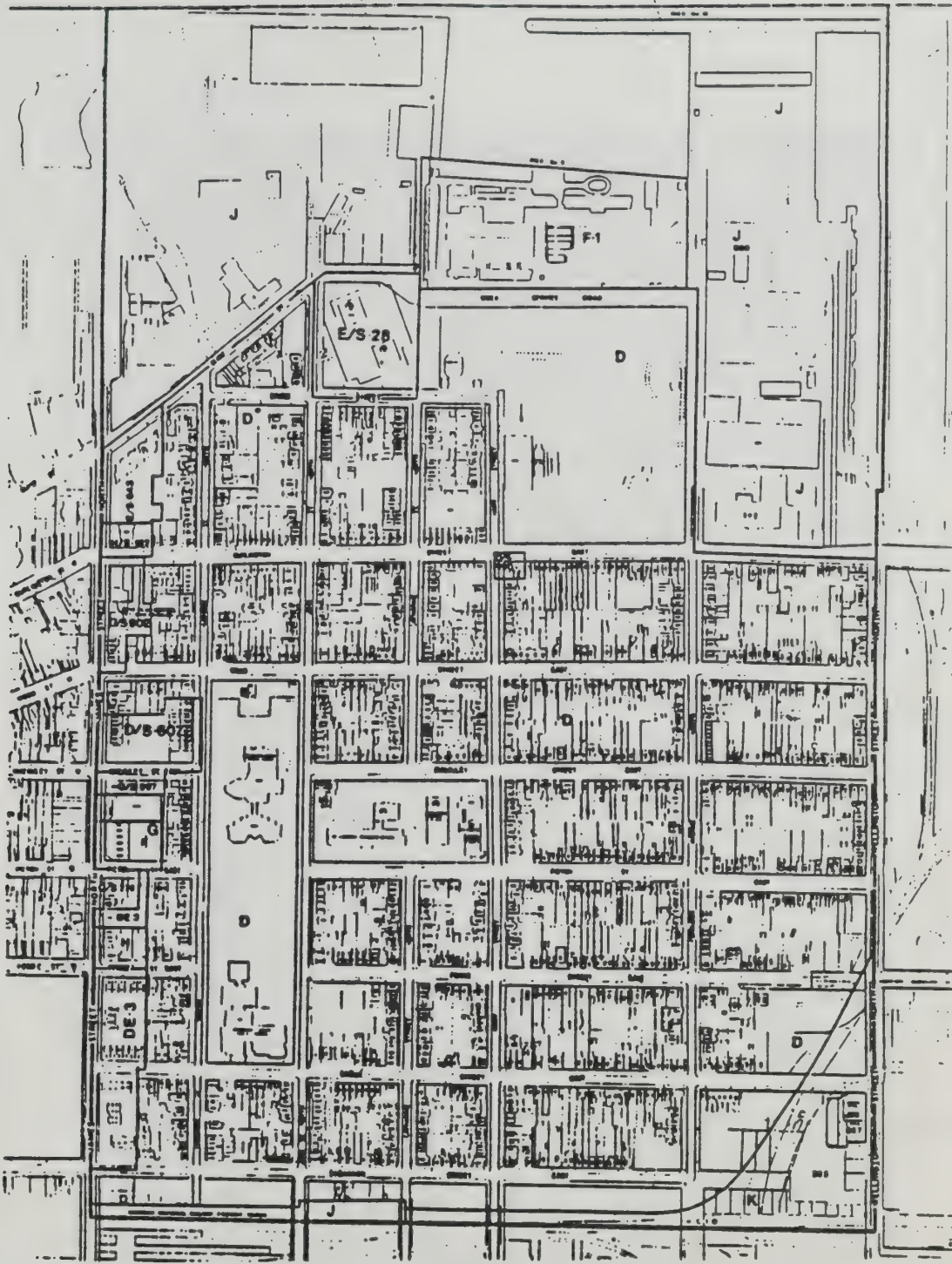
Implementation Plan:

The City of Hamilton's Public Works Department, is working closely with the Regional Municipality of Hamilton-Wentworth and Hamilton Hydro-Electrical Systems along with the public to prepare detailed plans for the project area. Implementation is expected to occur in the fall of 1992 and the spring of 1993 in accordance with the P.R.I.D.E. Anti-Recession Programme Guidelines.

LIST OF ATTACHMENTS

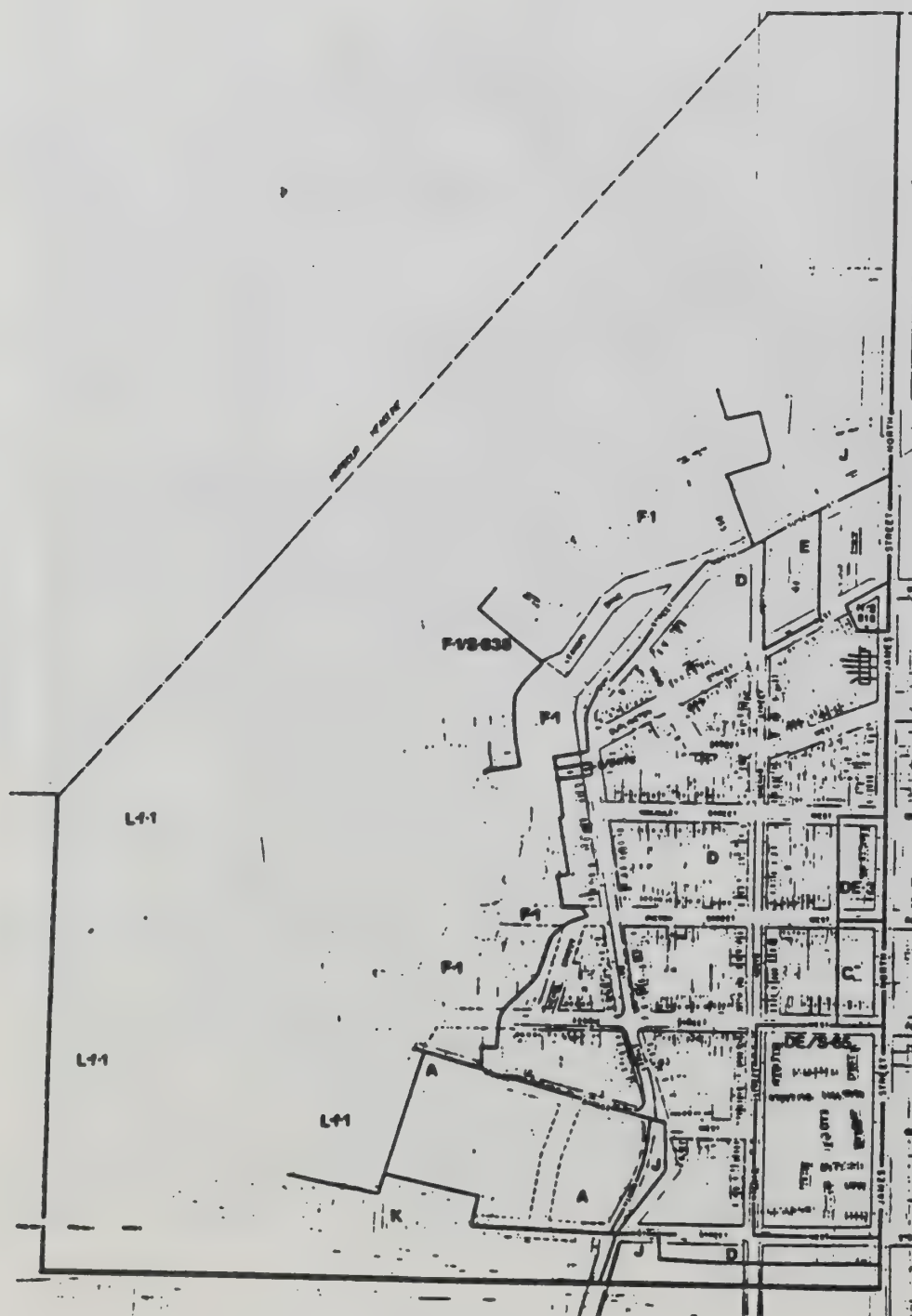
- A** North End East Zoning Map
- B** North End West Zoning Map
- C** North End East - Land Use Map
- D** North End West - Land Use Map
- E** North End East and West Community Improvement Project Area
- H** Declaration Confirming Public Meeting Held

NOTE: Schedules do not form part of the Community Improvement Plan




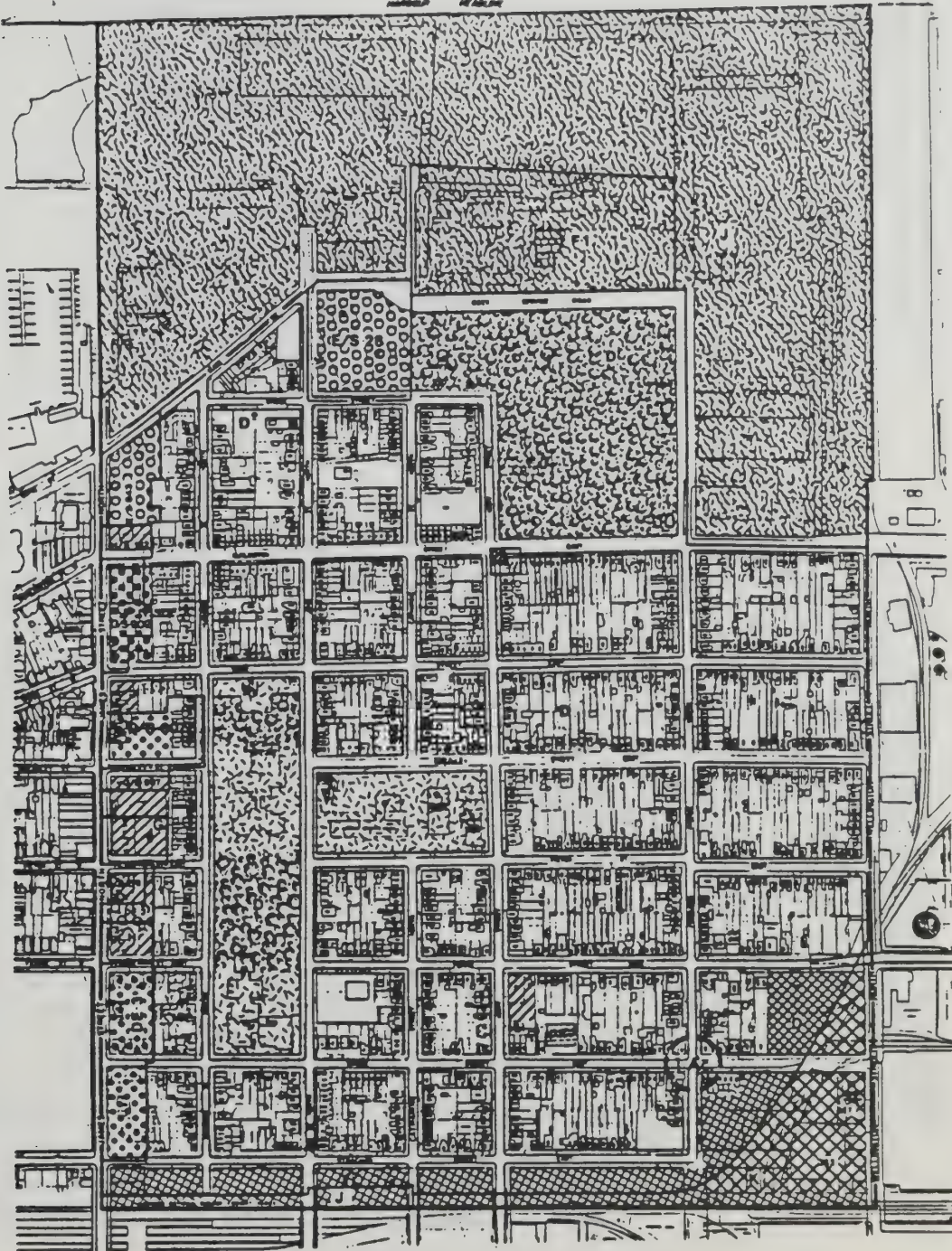
All Lands Within This Neighbourhood is Subject
To Site Plan Control By-law No. 90-285.

<div data-bbox="1070 1789 1161 1874" data-label="Text"> <p>197 106 00 21 10 95</p> </div> <div data-bbox="1034 1885 1198 1927" data-label="Text"> <p>This is not a Legal Document For zoning verification please consult City Building Department.</p> </div>	<div data-bbox="1294 1800 1449 1906" data-label="Section-Header"> <p>CITY OF HAMILTON NORTH END EAST ZONING</p> </div>
<div data-bbox="991 1938 1241 1981" data-label="Text"> <p>Neighbourhood Boundary Zoning Boundary</p> </div> <div data-bbox="1015 1981 1214 2023" data-label="Text"> <p>Prepared for The City of Hamilton by the Planning and Development Department of the Regional Municipality of Hamilton-Wentworth</p> </div>	<div data-bbox="1241 1938 1492 1981" data-label="Text"> <p>Scale 1:1000</p> </div> <div data-bbox="1241 1981 1492 2023" data-label="Text"> <p>6103 106</p> </div>



All Lands Within This Neighbourhood is Subject
To Site Plan Control By-law No. 90-285.

 <p>48 107 100 127 21 10</p> <p>This is not a legal document For zoning verification please contact City Building Department</p>	<p>CITY OF HAMILTON</p> <p>NORTH END WEST</p> <p>ZONING</p>
<p>Proposed for the City of Hamilton by the Planning and Development Department of the Corporation of Hamilton</p>	<p>Revised 6102</p> <p>JANUARY 1980</p> <p>107</p>



NOTE: THIS IS A GUIDE PLAN ONLY AND IS SUBJECT TO CHANGE. FOR DETAILS CONTACT THE LOCAL PLANNING DIVISION OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH



THIS AREA TO BE DEFT WITH IN A FUTURE OFFICIAL PLAN AMENDMENT PENDING DETERMINATION OF JURISDICTION.



PUBLIC PARK AREA TO BE PROVIDED IN THE VICINITY OF THIS SYMBOL. THE PARTICULAR LOCATION OF WHICH SHALL BE DETERMINED AT SUCH TIME AS FUNDS ARE AVAILABLE FOR ACQUISITION.

All Lands Within This Neighbourhood is Subject To Site Plan Control By-Law No. 80-285.

LAND USE

RESIDENTIAL

- single & double detached housing
- attached housing
- low density apt.
- medium density apt.
- high density apt.
- commercial & apt.

COMMERCIAL

INDUSTRIAL

CIVIC & INSTITUTIONAL

PARK & RECREATIONAL

OPEN SPACE

UTILITIES

- Neighbourhood Boundary
- Zoning Boundary
- Shaping of Development Boundary

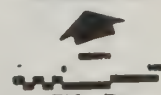
Approach

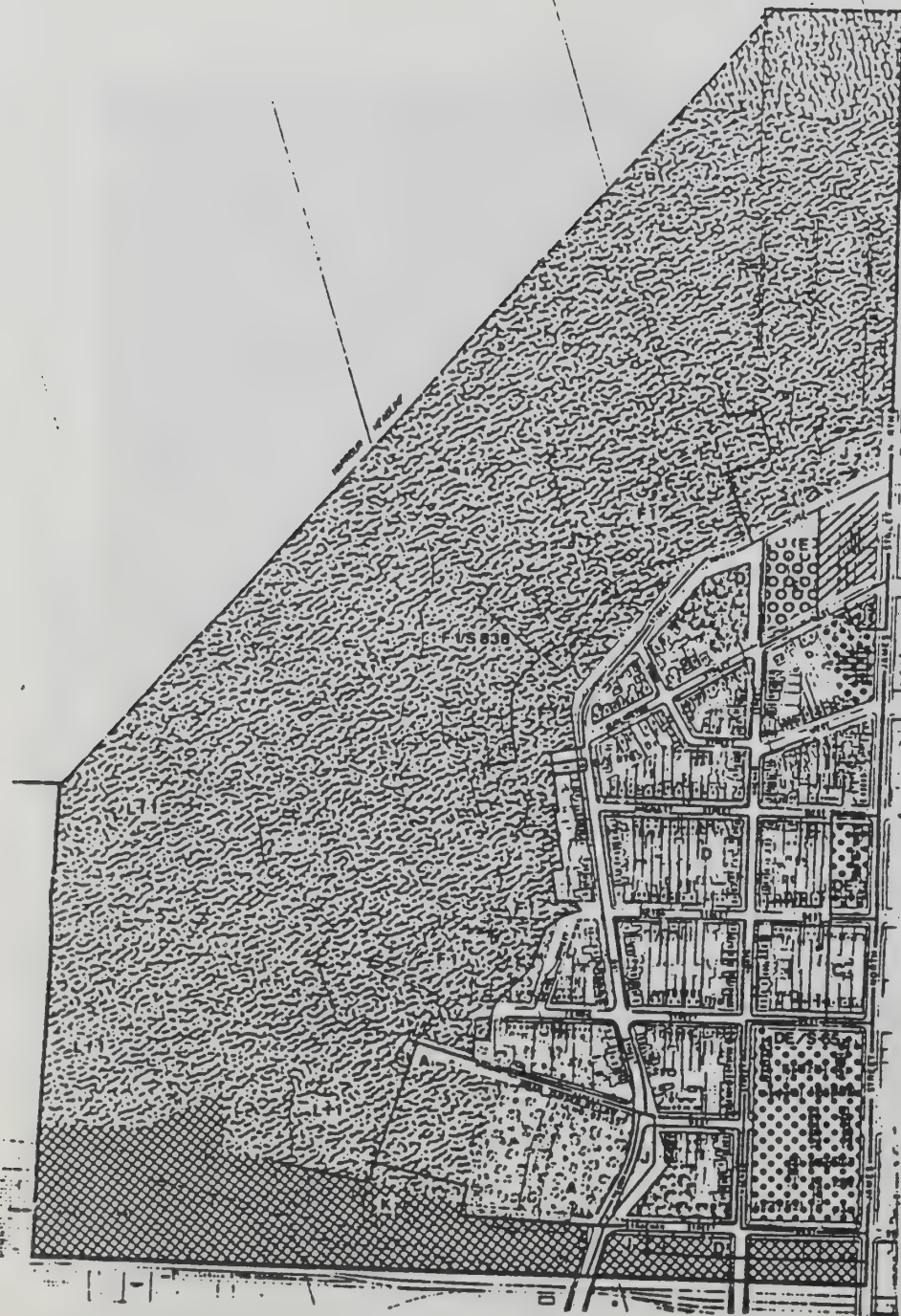
Planning Bd. MAY 15, 1979 Council JULY 27, 1979

Land Amendment No. 84Y 0, 1981

CITY OF HAMILTON
PLANNING DEPARTMENT

NORTH END EAST
APPROVED PLAN





NOTE: This is a GUIDE PLAN only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.



THIS AREA TO BE DEALT WITH IN A FUTURE OFFICIAL PLAN AMENDMENT PENDING DETERMINATION OF JURISDICTION.

All Lands Within This Neighbourhood is Subject To Site Plan Control By-Law No. 90-285.

EXISTING POPULATION (1985) 1688

LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

Neighbourhood Boundary
Zoning Boundary

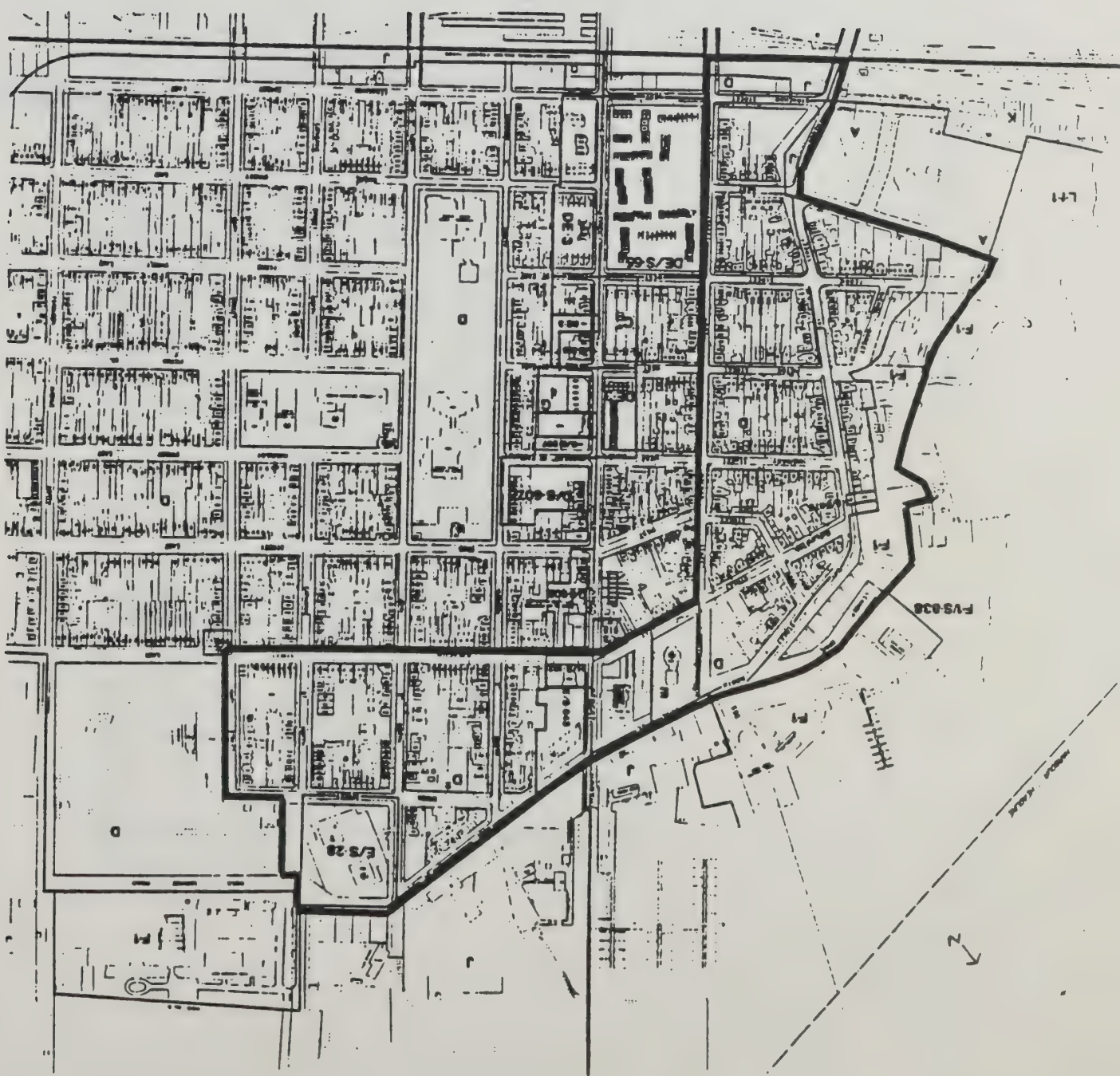
Approved
Planning Committee 1987, 11/18/87 Council 12/1/87
Latest Revision Date 12/1/87

CITY OF HAMILTON
PLANNING DEPARTMENT

NORTH END WEST
APPROVED PLAN

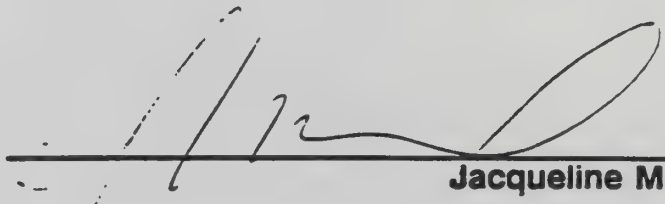


**NORTH END EAST AND WEST COMMUNITY
IMPROVEMENT PROJECT AREA**



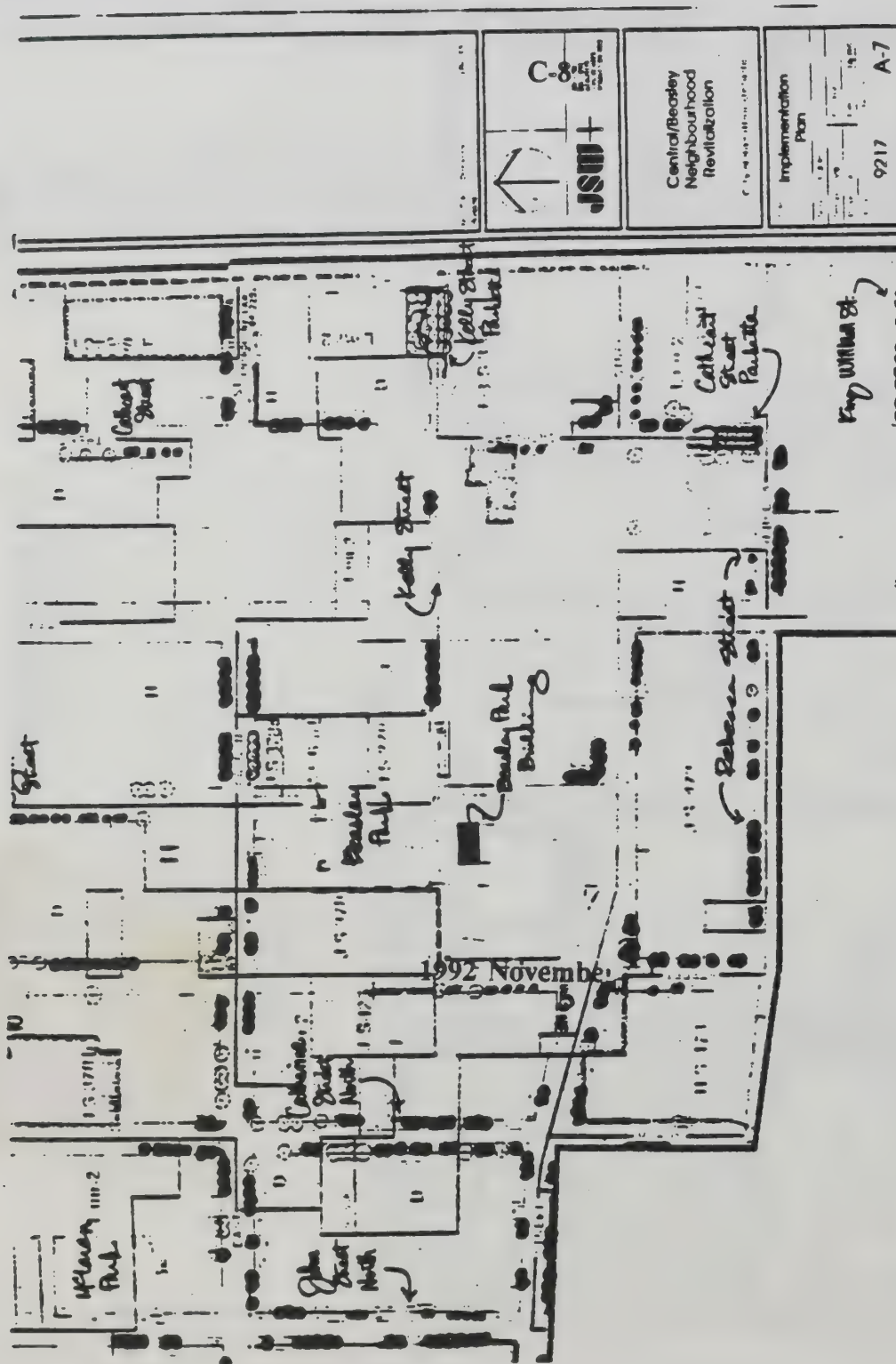
DECLARATION

I Jacqueline McNeilly do hereby declare that a Public Information Meeting was held on 1992 November 04 to present the North End East and West Community Improvement Plan in accordance with Section 28 of the Planning Act.



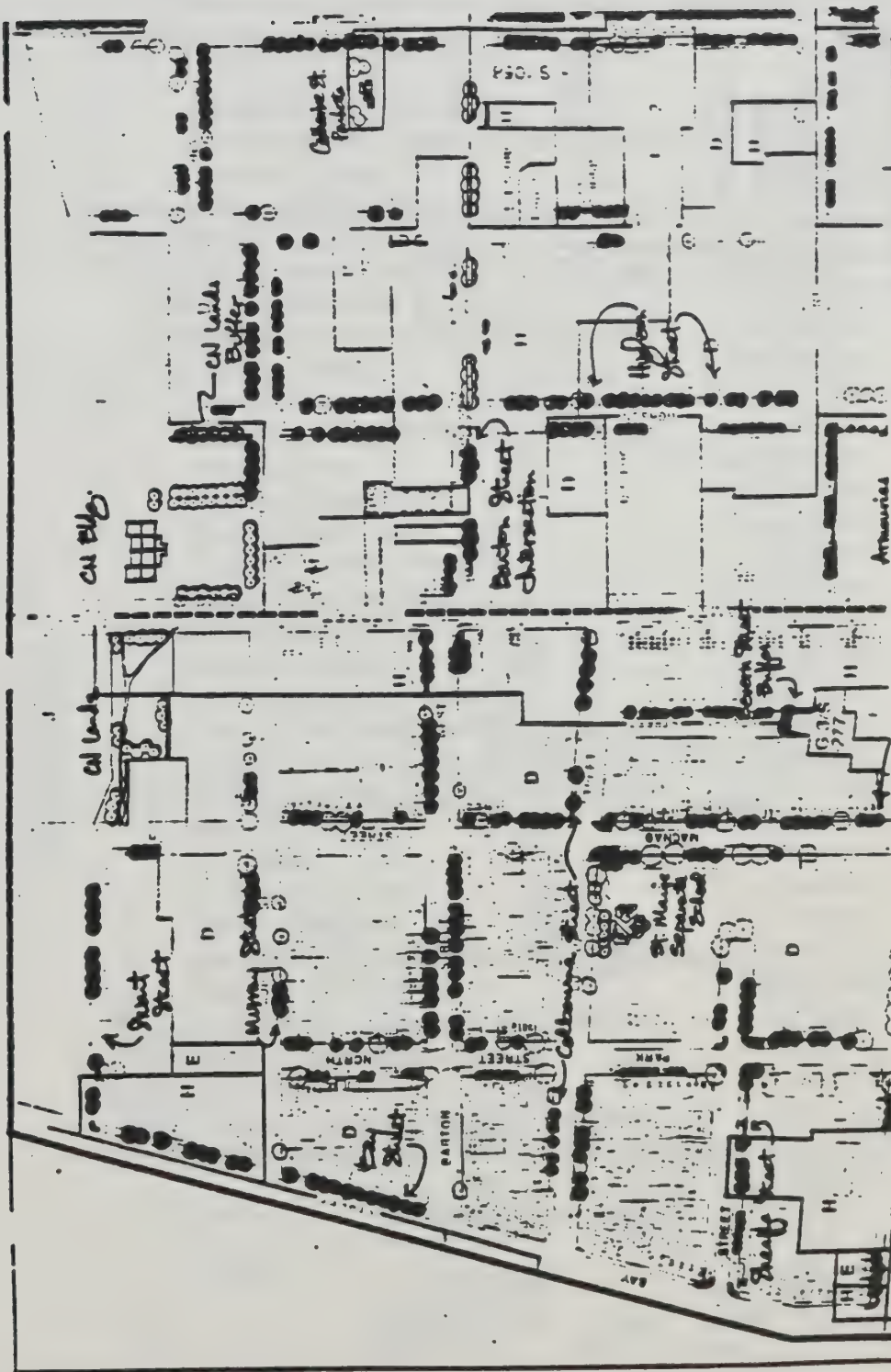
Jacqueline McNeilly

[illegible]

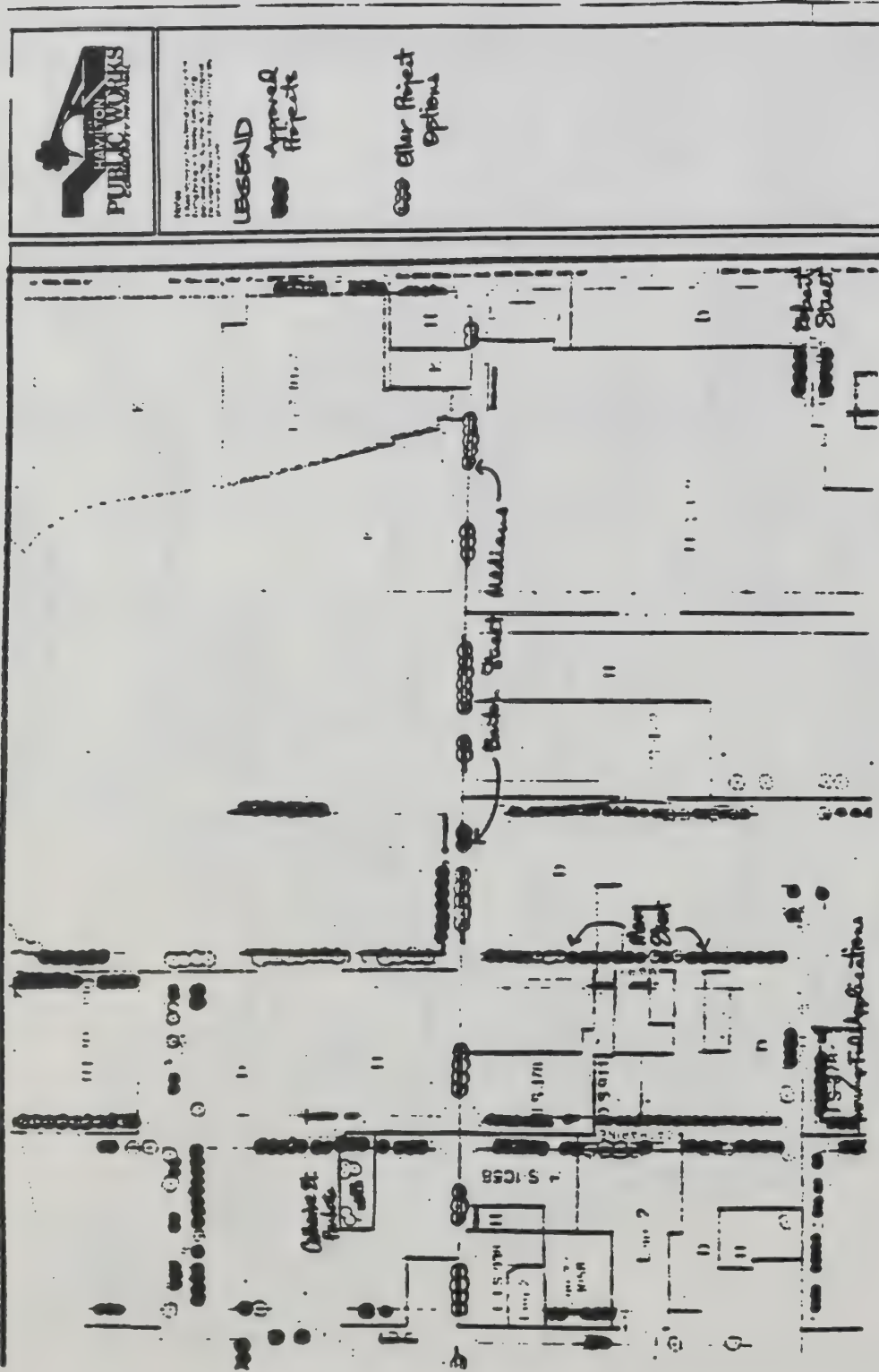


	Central/Beasley Neighbourhood Revitalization
	Implementation Plan
9217	A-7

Implementation Plan
Central/Beasley P.R.I.D.E. H.INT.



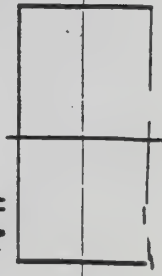
Implementation Plan
Central/Beasley P.R.I.D.E. H.INT.



1. All proposed changes to the street layout are shown in red.
 2. All proposed changes to the street layout are shown in red.
 3. All proposed changes to the street layout are shown in red.

LEGEND
 Approved Projects
 Other Project Options

Implementation Plan
 Central/Beasley P.R.I.D.E. H.INT.



Appendix "C" referred to
in Section 3(b)(ii) of the minutes
of the Planning and Development
Committee held 1992 November 18

APPROVED CAC PROJECTS

Barton Street Intersection	\$ 53,417.50
MacNab Street North (North of Cannon)	\$ 32,085.00
Mulberry Street	\$ 20,941.50
Severn Street Buffer	\$ 12,650.00
Sheaffe Street	\$ 35,673.00
Stuart Street Linkage	\$ 9,044.75
CN Lands Buffer in R.O.W.	\$ 21,505.00
Park Street North (North of Cannon)	\$ 41,285.00
Cannon Street	\$ 84,985.00
Robert Street	\$ 12,017.50
Cathcart Street Parkette	\$ 46,402.50
Wilson Street	\$115,805.00
Hughson Street North	\$ 36,972.50
John Street North	\$ 42,205.00
Catharine Street North	\$ 70,868.75
Mary Street North	\$ 51,175.00
Elgin Street North	\$ 35,132.50
Cathcart Street North	\$ 22,827.50
Wellington Street North	\$ 21,073.75
Park Street North (South of Cannon)	\$ 18,400.00
MacNab Street North (South of Cannon)	\$ 23,862.50
Buffer - All Soul's Church parking lot	\$ 9,027.50
Murray Street	\$ 24,955.00
Bay Street	\$ 7,647.50
Colbourne Street	\$ 13,340.00
Severn Street	\$ 5,235.50
Mulberry Street (Bet. MacNab & James)	\$ 5,635.00
Kelly Street	\$ 10,120.00
Rebecca (Bet. Ferguson & Catharine)	\$ 6,037.50
King William Street	\$ 3,622.50
Vine Street	\$ 21,447.50
Robert Street (Bet. John & Wellington)	\$ 12,477.50
St. Mary's Separate School	\$ 25,000.00
	<u>\$952,874.75</u>
15% Contingency	\$142,931.21
<u>TOTAL</u>	<u>\$1,095,805.90</u>

Appendix "D" referred to
in Section 4(a)(i) of the minutes
of the Planning and Development
Committee held 1992 November 18

TERMS OF REFERENCE
HAMILTON GO CENTRE AREA STUDY

SCOPE:

With the renovation and redevelopment of the former TH&B Station by GO Transit, the City of Hamilton is presented with a significant opportunity to evaluate the area surrounding the new GO Station. The new Hamilton GO Transportation Centre is intended to function as a station to bring people into the City as well as provide train service from Hamilton. It is not intended to function as a station providing service for park-and-ride commuters as this function is served by the Aldershot Station. The Hamilton GO Transportation Centre is intended to be an intermodal urban transit centre.

In this light, the City of Hamilton is seeking to evaluate the area surrounding the GO Station (bounded by James Street, King Street, John Street, and Augusta Street) to integrate the GO Centre with its surrounding environment. It is recognized, however, that there are linkages to areas of the City outside the study area and, where appropriate, these will be included in the final plan. The City requires the selected consultant to develop a comprehensive plan for the GO Station area. The plan will include specific proposals and recommendations to address the issues identified in this Terms of Reference, actions for implementing the recommendations, and a time frame for implementation.

PURPOSE:

GO Transit is upgrading its facilities for GO train service to Hamilton. Plans are being prepared to enable the Hunter Street train station to be restored and renovated, to serve as an intermodal train/bus terminal, namely the Hamilton GO Transportation Centre, which will provide a focus for GO trains, local and inter-city bus services. The November, 1989 Environmental Assessment Report was approved by the Minister of the Environment in April, 1992, subject to a number of conditions. A Preliminary Design Report for the Hamilton GO Transportation Centre was prepared, dated January, 1991 outlining plans for the restoration and renovation of the building and related transit facilities. Detailed design drawings are presently being prepared, which will enable the project to be taken to tender.

GO Transit's schedule for the project includes the following targets:

- Working drawings of the Hamilton GO Transit Centre to be submitted to the Planning and Development Department, for comments from municipal departments and committees, from November, 1992 through approximately February, 1993;
- Finalization of the detailed design for the GO Centre, and beginning of tendering for the restoration and renovation, by about March, 1993;

- Completion of the restoration and renovation, and opening of service, by approximately December, 1994; and,
- Construction of the storage yard for GO trains, presently proposed in the area east of Victoria Avenue, by late 1994 or early 1995.

GO Transit's plans for the station improvements and service changes represent significant changes to the transit service in the Hamilton area, which warrant thorough review by the municipality to ensure that they are well integrated. The relocation of the existing GO train service from the C.N. Station to the GO Transit Centre; the routing of inter-city bus services to the GO Centre; and other impacts such as the connections to local bus services, pedestrian flows and amenities, and related parking facilities, will all have major impacts on the area surrounding the station. Many of these matters are under the jurisdiction of various departments and agencies within the local municipalities. The present study is proposed to review and make recommendations concerning these matters, namely the integration of the GO Transit Centre into the surrounding area.

BACKGROUND:

The Hamilton GO Transportation Centre project has been undertaken primarily by GO Transit and their consultants, with input from the local municipality and the general public during the process. The present study resulted from review undertaken by two citizen-based advisory committees, the Central Area Plan Implementation Committee and the Urban Design Committee. Both of these are sub-committees of the Planning and Development Committee.

In May of 1992, the Central Area Plan Implementation Committee and the Urban Design Committee became aware that the Preliminary Design Report on the Hamilton GO Transportation Centre was being used as the basis for the preparation of final construction and working drawings for the renovation and conversion of the Hunter Street Station. The Urban Design Committee submitted a report to the Planning and Development Committee in July, 1992, requesting the formation of a committee to examine the proposed redevelopment of the Hunter Street Station from the City's perspective.

The Planning and Development Committee directed staff to hold a meeting to discuss the GO Centre proposal with interested parties. Two meetings were held with interested stakeholders, staff and GO Transit. The stakeholders recommended that a citizen-based advisory committee be formed to identify issues pertaining to the GO Centre and the surrounding lands (under the jurisdiction of the City). The formation of the Advisory Committee on GO Transit (as a sub-committee of CAPIC) was recommended to the Planning and Development Committee at their meeting of September 23, 1992, and was adopted.

The Advisory Committee on GO Transit met several times during August, September and October. A public meeting was held on September 23, 1992, which was attended by

approximately two hundred citizens. The Committee's deliberations have produced a document summarizing the issues identified for the GO Transportation Centre and its surrounding environment.

These issues identified by the Advisory Committee were endorsed by CAPIC, at their meeting of October 9, 1992. CAPIC utilized these recommendations to form the basis of their report which was presented to the Planning and Development Committee at its meeting of November 4, 1992. They also recommended that a coordinated study of the area surrounding the GO Centre, including a review of land use, planning policy, urban design, traffic, and the issues identified by the Advisory Committee, be undertaken by a consultant for presentation to City Council. This recommendation was adopted by the Planning and Development Committee.

The Urban Design Committee, which is also a sub-committee of the Planning and Development Committee, established a sub-committee to review the plans for the GO Transit and vicinity, from a design perspective. They presented a report to the Planning and Development Committee in September, 1992, outlining five major concerns with respect to the GO Centre. They presented a further report to the Planning and Development Committee at their meeting of November 4, 1992, identifying recommendations and principles for designing the urban context of the GO Centre. Their report was adopted by the Committee.

The Planning and Development Committee, at their meeting of November 4, 1992, approved the following recommendations of staff:

- That the Planning and Development Department be directed to approach the Province for funding to undertake a consultant study to review the design and land use in the vicinity of the proposed Hamilton GO Centre;
- That the issues identified in the reports of the Central Area Plan Implementation Committee and the Urban Design Committee, concerning the Hamilton GO Centre, be incorporated into the Terms of Reference for the consultant study of the land in the vicinity of the GO Centre;
- That the Chief Administrative Officer for the City of Hamilton be appointed as the Coordinator for the study of the land in the vicinity of the GO Centre.

ISSUES:

1. Land Use

It is the City's intent to integrate both the land use and urban form surrounding the GO Station with the station itself to create a coherent, and attractive environment.

vicinity of the study area must be done in light of the concern expressed by the residents of these two neighbourhoods. The existing parking situation on the residential streets (regulation, use of on-street parking, and resident concerns) must be reviewed and evaluated. Proposed changes to the regulations, if required, must be outlined in the study report.

3. Pedestrian Movement

Travellers using the GO Station will have opportunities to access other transit modes (for example, the Region's HSR Service) as well as broad shopping and cultural activities in the core area of the City of Hamilton. It is expected that there will be substantial pedestrian travel to facilities such as Jackson Square, the Hamilton Eaton Centre, Copps Coliseum, Hamilton Place, the Art Gallery, Copps Coliseum, and Gore Park (the main east-west HSR terminus).

A thorough study of pedestrian movement must be undertaken to identify the main pedestrian routes. Beyond the identification of the routes, the following issues must be addressed in order to enhance pedestrian safety, convenience, and ease of access:

- a) Where are the main crossing points of the arterial roads? What opportunities currently exist (or do not exist) for pedestrian crossing of these roads? How can pedestrian movement be enhanced in terms of safety and ease of access to other facilities?
- b) The main entrance and exit from the GO Station is located at the front of the station in line with Hughson Street South. This is the most logical access for pedestrians to the downtown core. However, there are traffic signals at the intersection of Hunter Street and John Street as well as the intersection of Hunter Street and James Street. No signal for pedestrian crossing currently exists at Hunter Street and Hughson Street. This issue must be addressed as this pedestrian route likely will have significant vehicular traffic volumes.

4. Rail Bridges - James and John Streets

Currently, the Region is seeking provincial funding to reconstruct the rail bridges at James and John Streets. It is anticipated that reconstruction will be completed prior to the opening of the GO Station in December of 1994. Stairways adjacent to the bridges will provide pedestrian access to the bus and train platforms in the GO Station. Issues identified regarding these bridges include the following:

- a) safety of pedestrian movement underneath the bridges and in the stairwells - what elements must be incorporated in order to enhance pedestrian safety from attack and traffic?

A holistic approach to reviewing land use will be required. The study area is within the City's downtown core and land uses are typical of the downtown core area - office buildings, service retail uses (e.g. restaurants, travel agencies), public buildings - the YMCA, the Wentworth County Courthouse. In this regard, the study must identify the appropriate land uses in order to facilitate the integration of land use and urban form. In addition, there is concern from the residents of the adjoining neighbourhoods regarding land speculation. The recommendations and proposals must address the speculation issue and identify mechanisms to protect existing low-density residential communities in both Corktown and Durand neighbourhoods. The consultant will be required to review the existing planning policies and documents in light of the other issues identified in this RFP in order to determine the necessity of any amendments to the relevant planning documents.

In addition, the consultant should identify height, setbacks and siting of buildings in the surrounding area which will enhance both the existing built form and the existing and proposed public spaces.

2. Parking

As an intermodal transportation centre, no parking for commuters using GO Service will be provided by GO Transit. Within the study area, however, there is a proposal by the City's Parking Authority to demolish the existing building at the northeast corner of James Street South and Hunter Street East to construct a mixed commercial and residential building with additional parking for short-term lease by the Parking Authority.

Additionally, there are proposals to redevelop land adjacent to the study area for private parking lots. Currently, the parking lots are permitted land uses within the established zoning.

The study must evaluate the issue of providing parking by answering the following questions:

- a) Should additional parking be provided in the study area or in the vicinity of the study area?
- b) If additional parking is appropriate, the appropriate location(s) for any additional parking lots must be identified. What design controls are needed for these lots?
- c) If additional parking is not appropriate, how can the City regulate this issue?

In concert with the issue of public and private parking lots, there is concern among residents of adjacent neighbourhoods (particularly Corktown and Durand neighbourhoods) that travellers using the GO Station will drive to the station area and park on residential streets. The review of the appropriateness of providing additional parking lots in the

- b) design of the bridges to preclude pigeon roosting (particularly as pedestrians experience an environment with significant amounts of pigeon droppings in these underpasses).
- c) integration of HSR bus stops with access to the station (this is required along James Street and John Street). Particular attention should be paid to safety and wheelchair access. Any design improvements should be discussed with GO Transit.

5. Streetscaping

Both primary and secondary pedestrian accesses are important elements of accessibility to the "GO Centre". In this regard, these pedestrian accesses should be designed to include high quality streetscape element. Streetscape improvements should extend into neighbourhoods which will be most impacted by the "GO Centre's" development.

The following is a list of features/items/elements which could be included in a comprehensive streetscape design:

- | | |
|--------------------------|----------------------|
| • tree planting | • information kiosks |
| • lighting | • newspaper boxes |
| • planters and planting | • mail boxes |
| • seating | • wheelchair ramps |
| • signage | • drinking fountains |
| • bus shelters and stops | • bicycle racks |
| • public telephones | • overhead shelters |

In addition, landscape features (i.e. trees and shrubbery) along arterial roads should be identified.

Design criteria for advertising features (i.e. billboards, signs) should be developed which will enhance the proposed streetscape elements.

6. General Planning Principles

The following principles should be integrated into the plan for the study area.

- a) All access must be barrier free. This includes sidewalks, stairwells, and building access.
- b) Safety, especially for women, children, and the elderly, must be given full consideration for all aspects of the proposal. This includes issues such as, but not limited to, lighting, and stairwell access, proposed planting and landscaping.

- c) Spillover effects into the adjacent low-density residential areas of Corktown and Durand Neighbourhoods must be minimized.
- d) General design criteria for private development and other initiatives (i.e. signage).
- e) The needs of the pedestrian must not be less than the needs of the motorist.

METHODOLOGY AND PUBLIC PARTICIPATION:

1. Background Information Review

- Identify jurisdiction of GO Transit, and responsibilities of all relevant municipal departments, regarding GO Station project and infrastructure in surrounding area.
- Review information concerning station project produced by GO Transit and their consultants.
- Review any existing plans or proposals for improvements to municipal infrastructure in area surrounding GO Centre, contained either in capital budgets or in studies under review by departments.
- Review issues identified by the Advisory Committee on GO Transit, a subcommittee of the Central Area Plan Implementation Committee (CAPIC);
- Review recommendations and design principles identified by the Urban Design Committee;
- Review planning documents, such as but not limited to, the Official Plan, including Amendment No. 66, Neighbourhood Plans, Zoning, Central Business District (C.B.D.) Study, Hamilton-Wentworth Regional Bicycle Network Study; and,
- Have regard to other relevant matters as may be identified by staff, and agreed to by the consultant.

2. Coordination of Study

- The Chief Administrative Officer for the City of Hamilton will act as the Coordinator of this study, due to the many issues related to the study which affect several departments, and the importance of the coordination across departments.

- The C.A.O. may, at his discretion, delegate the day-to-day administration of the study to others, such as the Director of Local Planning or his designate, while ensuring the coordination across departments of the study process and outcome.
- A technical advisory committee will be established to facilitate involvement in the study by representatives of affected departments. This committee will include members from Traffic; Transportation and Environmental Services (including the H.S.R.); Planning and Development; Parking Authority; Building; and other relevant Departments, and Committees including representatives of the Physically Disabled Sub-Committee.
- The consultant will act as the liaison between GO Transit and the City.

3. Staff Meetings and Public Participation

Technical Advisory Committee Meetings

- The technical advisory committee meetings will be held throughout the duration of the study, to clarify municipal roles; advise on planned municipal initiatives, and the feasibility of additional municipal actions as they be considered by the consultant.
 - an introductory meeting with the appropriate Committees prior to the commencement of the study;
 - a minimum of four meetings with the Advisory Committee during the preparation of the recommendations and proposals; and,
 - one meeting to present the final recommendations and proposals.
- Public meetings¹ will be held at key junctures of the Study:
 - meetings with CAPICUrban Design Committees will be held to discuss the proposals and recommendations of the draft report;
 - one public open house followed by an evening presentation to present draft proposals and recommendations.

¹ Submissions will be invited at this time. The Consultant will review the submissions and revise the draft proposals/recommendations.

- one meeting with CAPIC/Urban Design Committees will be held to discuss the proposals and recommendations of the final report;
- one public open house followed by an evening presentation to present final proposals and recommendation;
- a minimum of one meeting of the Planning and Development Committee to present the final proposals and recommendations.
- other techniques for public participation should be suggested by the consultant.

SUMMARY OF TASKS

Develop a Master Plan which will:

- review relevant background information;
- develop an inventory of resources including, but not limited to:
 - zoning requirements;
 - buildings;
 - development potential;
 - urban design attributes;
 - Traffic/H.S.R. patterns;
 - pedestrian patterns;
 - physical infrastructure;
 - other relevant.
- examine the appropriateness of existing policies and land use regulations, development options and recommended revisions.
- develop appropriate design guidelines through the development of options which address but not limited to:
 - heights of building;
 - setbacks;
 - building treatments;
 - treatment of public space (including concept plans for implementation).
- examine and develop recommendations for traffic flows; pedestrian movement, convenience, and safety; and H.S.R. in connection with local staff if appropriate.

- examine opportunities of interface with Hamilton GO Transportation Centre, develop options and make recommendations.
- examine other issues identified in Terms of Reference and develop options and recommendations.

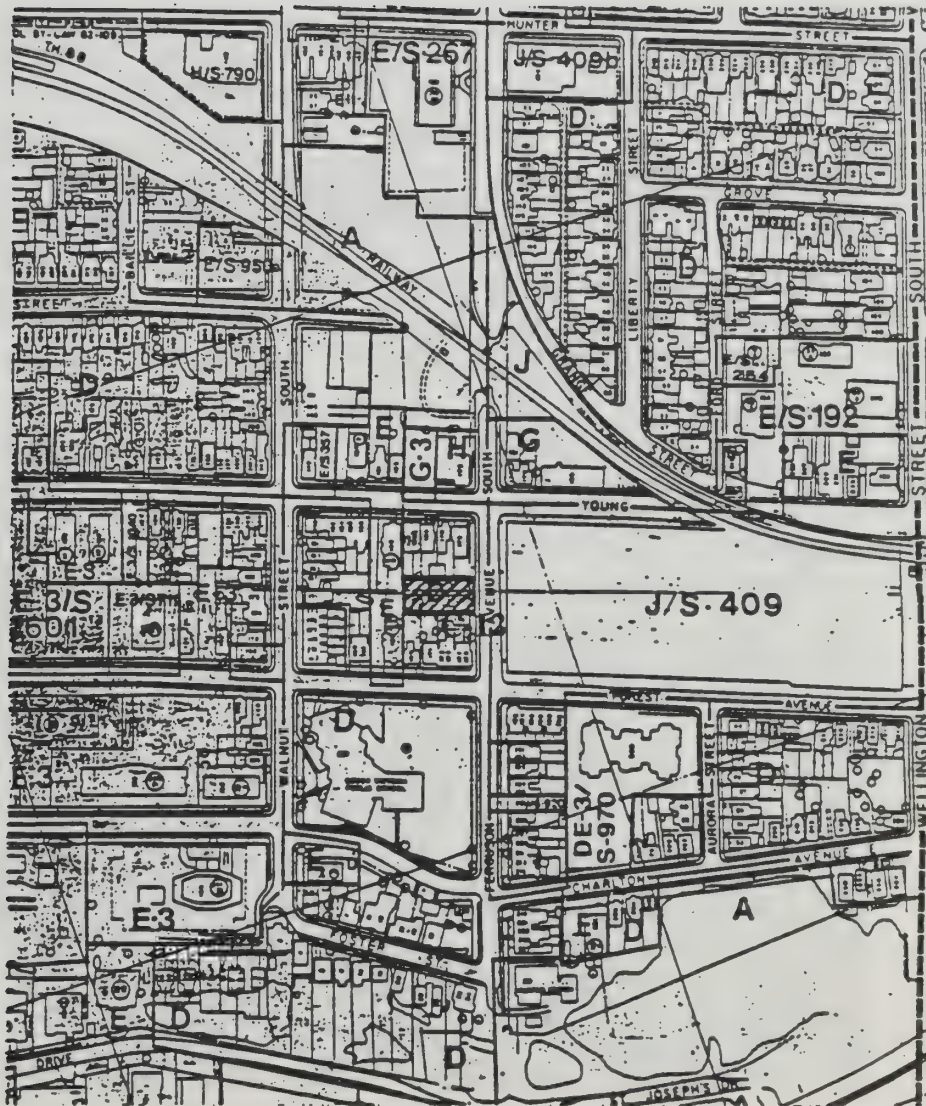
The Master Plan will consist of the following components:

- background information;
- alternatives and analysis;
- a draft document for review and comment; and,
- final recommendations.

TIMING:

The Consultant will have eight months from the signing of the contract to complete the study.

Appendix "E" referred to
in Section 5 of the minutes
of the Planning and Development
Committee held 1992 November 18



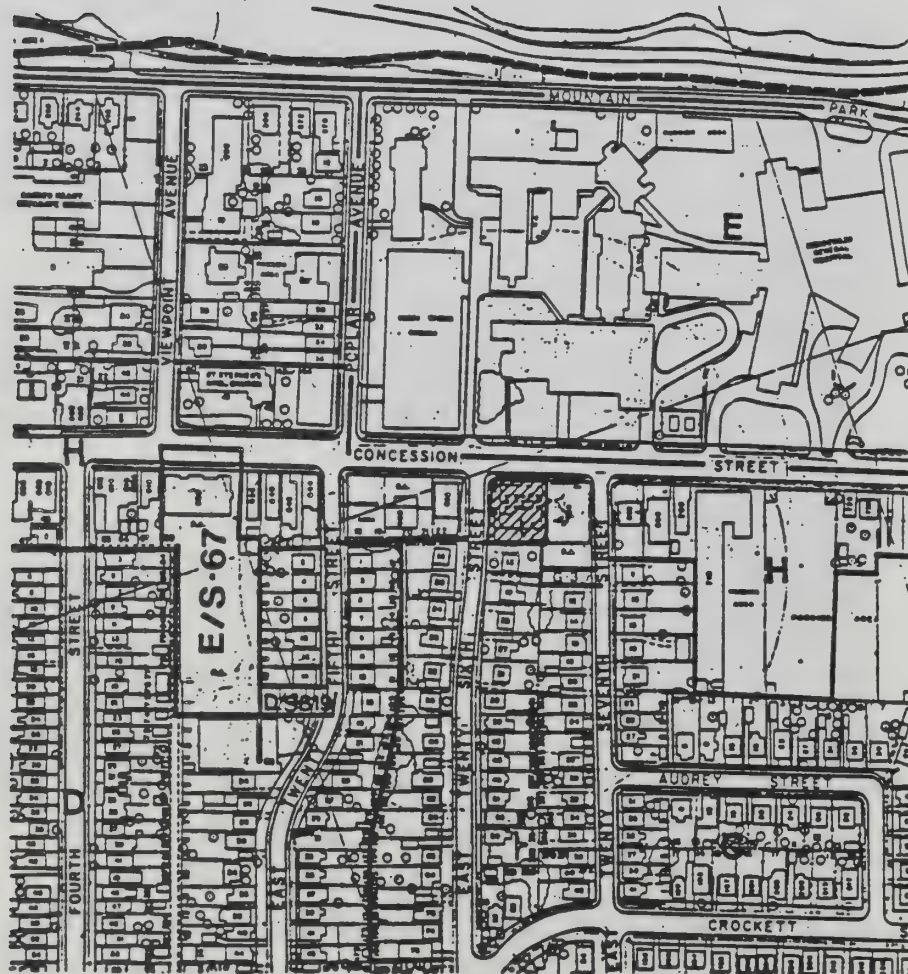
Legend



Site of the Application

↑
ZA-92-31

Appendix "F" referred to
in Section 6 of the minutes
of the Planning and Development
Committee held 1992 November 18



Legend



Site of the Application



2A-98-27

B.

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

NOV 25 1992

CITY CLERKS

DATE: 1992 November 24

REPORT TO: Ms. T. Agnello
Secretary, Planning and Development Committee

FROM: Mr. D. Lobo
Director of Public Works

SUBJECT: 5th and 6th Annual Business Development Seminars

RECOMMENDATION:

- 1) That the fifth and sixth annual Business Development Seminar be held in partnership with the Regional Municipality of Hamilton-Wentworth Economic Development Department on 1993 October 27 (Wednesday) and 1994 October 27 (Thursday) at the Hamilton Convention Centre.
- 2) That the Region be requested to include the Business Development Seminar in the 1993 marketing plan and the budget deliberation process of the Economic Development Department.
- 3) That future funding for Business Development Seminars be made available in account CF5625428803006.

D. Lobo

D. LOBO
DIRECTOR OF PUBLIC WORKS

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Additional funds are not required as there is a surplus from previous years in the Business Development Seminar Account CF5625428803006.

BACKGROUND:

On October 23, 1989, the City of Hamilton (Public Works Department) held the first Annual Business Development Seminar at the Royal Connaught Hotel in the Downtown Promenade B.I.A.

This one day Seminar provided local business operators with a variety of quality, affordable, convenient training programs as well as an opportunity to network with other businesses, service organizations. A co-ordinating committee comprised of representatives from Hamilton B.I.A.'s, the Federal Business Development Bank, the Economic Development Department, the BAC, Ontario Skills Development, Public Works, the Canadian Club and Ad and Sales Club of Hamilton was established to plan the subsequent seminars.

A unique partnership fostered within our community. The seminar has been a successful yearly event with new partners and sponsors.

Through Phase IV of the Downtown Action Plan, funds were made available to offset the cost of the seminar.

The committee established a 1990 sponsorship program to defer the cost to the city and provide another opportunity for local businesses to participate in the seminar.

The sponsorship program was such a success that the 1991 seminar did not incur any cost to the city other than staff time of the chairperson.

The Business Development Seminar has provided many training opportunities for local business personnel in the Hamilton-Wentworth Region over the past 3 years. Also, many effective partnerships have developed. The Business Development Committee is working towards a self sustaining event sponsored by community business relieving the City from any financial obligation.

	REVENUES	EXPENSES	SURPLUS	ATTENDANCE
1989	\$13,005.00	\$ 9,940.00	\$ 3,065.00	73 lunch 63 full day
1990	16,855.00	14,292.14	2,562.86	150 lunch 85 full day
1991	22,380.00	11,172.21	11,207.21	300 lunch 120 full day
1992	30,582.85	18,945.00	11,637.35	350 lunch 230 full day

RPM/JP/jdh

c.c. Mr. W. M. Carson, Chief Administrative Officer
Mr. R.J. Whynott, Regional Chairman
Mr. S. Galbraith, Manager, Economic Development Department

CITY OF HAMILTON
- RECOMMENDATION -

C (aXil)
RE

DATE: November 9, 1992

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

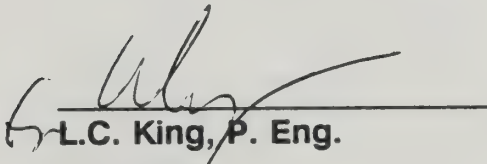
FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
122 PROVINCE STREET NORTH
(92.1.1.A)

CITY CLERKS

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 122 Province Street North.


L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: D (Residential)

PRESENT USE: Single Family Dwelling (Assumed)

PROPOSED USE: Not Specified

BRIEF DESCRIPTION: 2 storey wood frame dwelling

Demolish 2 storey frame dwelling. The Property Department, Real Estate Division, reports major concerns with respect to the structural condition of the house. No LACAC interest. Lot size 15.9' x 100'.

The owner of the property as per the demolition permit is:

The Corporation of the City of Hamilton

CITY OF HAMILTON

C. (aXii)

- RECOMMENDATION -

DATE: November 24, 1992

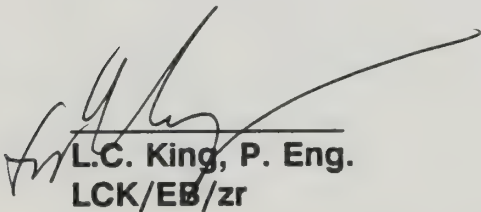
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
829 RYMAL ROAD EAST
(92.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 829 RYMAL ROAD EAST.



L.C. King, P. Eng.
LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "RT-20/S-1287"

PRESENT USE: Single Family Dwelling (Vacant)

PROPOSED USE: Townhouses

BRIEF DESCRIPTION: 1½ storey frame house

Demolish 1½ storey frame house which is in very poor condition. Land is being developed under Site Plan Control. No L.A.C.A.C. interest. Lot is 92.7' x 150'.

The owner of the property as per the demolition permit is:

Mr. Calzonetti
76 Sherman Avenue South
Hamilton, Ontario
L8M 2P7

CITY OF HAMILTON

C. (a) (iii)

- RECOMMENDATION -

DATE: November 24, 1992

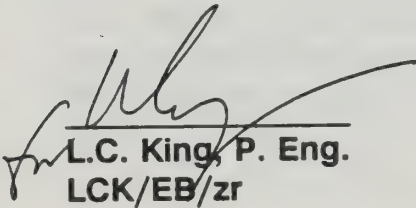
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1512 UPPER GAGE AVENUE - Tag Number 88063
(92.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1512 UPPER GAGE AVENUE.


L.C. King, P. Eng.
LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "L-C/S-401"

PRESENT USE: Single Family Dwelling

PROPOSED USE: Vacant Land

BRIEF DESCRIPTION: One storey wood frame and brick bungalow

Demolish one storey house which is boarded up at the present time. Land will be left vacant until a new zoning is approved. The "L" zones do not permit new construction. No L.A.C.A.C. interest. Lot size is 155' x 183'.

The owner of the property as per the demolition permit is:

Effort Trust
242 Main Street East
Hamilton, Ontario
L8N 1H5

C.C(b)
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CITY OF HAMILTON

- RECOMMENDATION -

CITY CLERKS

DATE: November 16, 1992.

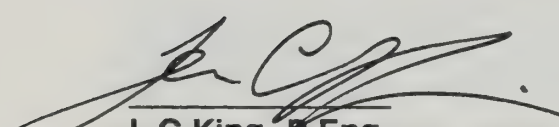
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: DEVELOPMENT OF JOINT PROGRAM WITH THE
MINISTRY OF SOCIAL SERVICES
(92.2.4.2.1.A, BI-92-07)

RECOMMENDATION:

That the Building Department be authorized to enter into an agreement with the Ministry of Social Services respecting the administration of funding for properties owned by their clients as per the requirements of the City's Property Standards By-law.



L.C. King, P.Eng.
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Permit revenue will increase by approximately \$10,000. Administration fees of \$100,000 will be paid by Canada Mortgage and Housing Corporation (C.M.H.C.) to the Building Department based on the finalization of 120 applications per year.

BACKGROUND:

Several months ago the Building Department, Loans Division, received a loan and grant application from a person in receipt of family benefits. During the course of processing the application it became apparent that the Ministry of Community and Social Services had paid over \$2,000 to a contractor for work which was not done. The Department contacted the Ministry on behalf of the owner and was advised that the owner had submitted estimates and that the Ministry had approved the work. The contractor approached the Ministry and assured them that the work was completed. Usually the Ministry would issue a cheque and send it directly to the owner. In this case, a direct payment was made to the contractor. The Ministry did confirm they normally review the estimates, but never inspect to determine need or whether the work has been completed. That decision is left to the client.

The Building Department is now taking action against the contractor, pursuant to the Hamilton-Wentworth Regional Trade License By-law, with the potential that his contractor's license will not be renewed for 1993. We also hope that financial restitution for the incompleting work can be made to the Ministry.

The Loans Division has discussed the problems with the Ministry on several occasions and meetings were arranged to discuss ways to ensure this problem was corrected.

Normally, most of the applicants in receipt of family benefits are not eligible for assistance under the rehabilitation programmes because of their high debt load. The Ministry, however, does have a fund for emergency repairs for clients in receipt of family benefits. It has been agreed that the Ministry, when they receive a request for home repairs, will refer them to the Building Department, Loans Division. The Department will, with the written direction, take an application under the Federal Government's Residential Rehabilitation Assistance Programme. The City will then follow the normal loan procedures including a full inspection of the property under the City's Property Standards By-law. The owner will obtain two estimates and if acceptable a final application will be taken. If the applicant is not eligible under the Federal Programme for the total cost of the work, a letter will be sent to the Ministry outlining the conditions of approval. The Ministry has indicated that in most cases, if not all, they will pick up any additional cost. The Building Department would then monitor the work and request payment from the Ministry. The Ministry, at our direction, will issue payment in the name of the owner and contractor.

This procedure will provide the following benefits:

- Properties of the family benefit clients will be upgraded to meet the requirements of the City's Property Standards By-law rather than on a crisis driven situation.
- Quality of work and price will be competitive.
- No chance of double payment.
- Provide service to those home owners who need assistance the most.
- Utilize programme funds both at Ministry and Federal level.
- Existing properties upgraded within the City.
- Department will receive \$750 per completed application fee from C.M.H.C. (estimated \$100,000 per year).
- Approximately \$10,000 additional revenue in building permit fees.
- Stimulate economy for legitimate, licensed, building contractors.

The Department is presently implementing this Programme on a trial basis with the Ministry of Community and Social Services. Additional staff is not needed at this time due to the low levels of construction presently within the City.

CITY OF HAMILTON
- RECOMMENDATION -

C.L.C.
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CITY CLERKS

DATE: November 11, 1992.

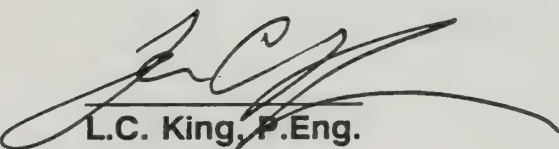
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: HAMILTON EMERGENCY LOAN PROGRAMME
H.E.L.P. (92.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan Program (H.E.L.P.) in the amount of one thousand, two hundred and nine dollars (\$1,209) be approved for Lillian Danby, 11 Collier Crescent, Hamilton. The interest rate will be 8 per cent amortized over 4 years.



L.C. King, P.Eng.
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant has to qualify for one of the federally or provincially sponsored loan and grant programmes. A maximum loan of \$2,000 could be approved providing the emergency repair fell under one of the following five (5) categories: heating,

Tina Agnello, Secretary
Planning and Development Committee

- 2 -

November 11, 1992

electrical, plumbing, roofing or accessibility. The application would be processed within forty-eight (48) hours and would be secured initially by a promissory note and later by a lien registered on title. Formal approval would be obtained upon completion.

The Building Department, Loans Division, recently finalized an Emergency Loan for Mrs. L. Danby, 11 Collier Crescent in the amount of \$1,209. The furnace has been replaced, and the Department recommends approval and authorization to request the Law Department to register a Lien on Title in the amount of \$1,209 at 8% interest and amortized over four (4) years.

c.c. R. Camani, Treasury Department
c.c. D. Powers, Law Department

D.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 November 24

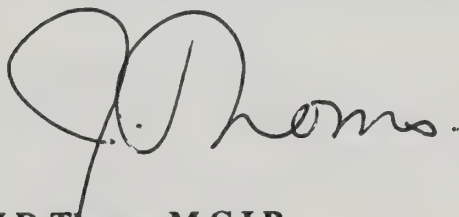
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

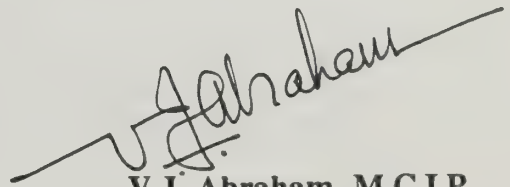
SUBJECT: 1993 Work Program - Local Planning Branch of the
Planning and Development Department

RECOMMENDATION:

That the Planning and Development Committee endorse the 1993 Work Program of the Local Planning Branch of the Planning and Development Department.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The 1993 Work Program includes two groups: the Planning Section comprised of the Policy and Neighbourhood Planning Division and the Development and Urban Design Division and the Heritage Planning Group.

The 1993 Work Program (Planning Section) is divided into four Sections :

- projects that are required or legislated (i.e. OMB Hearings, Zoning Applications, Official Plan Amendments;
- Priority "A" projects have been given the highest priority (i.e. Special Purpose Committees, on-going projects from 1992, etc.);
- Priority "B" projects would be completed once the Priority "A" projects are completed (i.e. additional Neighbourhood Plan reviews, Housing Monitoring study, etc.) and if appropriate staff time is available; and,
- Priority "C" projects are identified for completion in the longer term.

The Work Program for the Heritage Planning Group is divided into three Sections:

- projects that are required or legislated (i.e. Heritage Conservation Districts, Designations, etc.);
- Priority "A" projects have been given the highest priority (i.e. Special Purpose Committees, Inventory of architecturally and historically significant buildings, etc.); and,
- Priority "B" projects are identified for completion in the longer term.

The number of projects is based on the existing staff complement of 16 planners and 3 heritage planners. Any change in this complement will require a reassessment of the projects to be undertaken in 1993. Alternatively, any additional projects will require either additional staff or a change in work priorities.

The Work Program is submitted to members of the Planning and Development Committee under separate cover.

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URBAN/MUNICIPAL
1992

J.J. SCHATZ
CITY CLERK



Urban Municipal
Collection
2nd Floor
Hamilton Public Library

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK
71 MAIN STREET WEST
HAMILTON, ONTARIO L8N 3T4

TEL: 546-2700
FAX: 546-2095

1992 November 26

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, December 02
9:30 o'clock a.m.
Room 233, City Hall

URBAN MUNICIPAL
NOV
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MENT DOCUMENTS

Tina Agnello, Secretary
Planning and Development Committee

AGENDA:

1. **CONSENT AGENDA**
2. **DIRECTOR OF PROPERTY AND DIRECTOR OF LOCAL PLANNING**

Purchase of lands in the Alpha Residential Enclave

PUBLIC MEETINGS

10:30 O'CLOCK A.M.

3. Zoning Application 92-38, A. T. McGuirl and F. McGuirl, owners, for changes in zoning from "AA" District to "R-4" District for Block "1" and from "C" District to "R-4" District for Block "2", for property located at the rear of No. 614 Stone Church Road East; Butler Neighbourhood

4. Zoning Application 92-39, Pane Del Sole Bakery (Mr. Gaetano Lattuca), owner, for a change in zoning from "D" District to "G-3" District, for property located at No. 150 Catharine Street North; Beasley Neighbourhood
5. Amended Zoning Application 92-07, St. Stephen-On-The-Mount Anglican Church, owner, for changes in zoning from "H" District to "E" District, modified, for Blocks "1" and "2", for property located at No. 625-635 Concession Street; Eastmount Neighbourhood

Submission:

- (a) Sylvia and Paul Kadar

10:45 O'CLOCK A.M.

6. Zoning Application 92-40, F. and F. Ricci, owners, for a modification to the established "C" District regulations, for property located at No. 21 Dunsmure Road; Gibson Neighbourhood

Submission:

- (a) Michael Lipnicky Jr., 67 St. Clair Avenue, Hamilton, L8M 2N6

7. **OTHER BUSINESS**

8. **ADJOURNMENT**

OUTSTANDING LIST

PLANNING AND DEVELOPMENT COMMITTEE

<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
Mobile Signs		Planning	Report Pending
C.I.90-F - Parking requirements in the Central Business District	1990 July 25	Planning	Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee and report back
Site Plan Enforcement Procedures	1991 Jan. 23	Building, Regional Engineering, Planning	Report back on alternative proposals
Conditions of conversions - separate utility controls	1991 June 19	Building	Report pending
ZA 91-43 - 145 MacNab Street North	1991 October 23	Planning	a neighbourhood Tabled to resolve design issues and height of building.
Site Plan Control Application DA-91-50 - 45 Hempstead Drive	1992 January 8	Planning	Tabled - Applicant directed to proceed through Committee of Adjustment
Grading Requirements	1992 February 19	Roads Department	Report Pending
Roof Water Connections	1992 March 25	Building	Report Pending
11-13 Holmes Avenue 19th century log home	1992 June 24	Planning	Report pending
ZA-91-12 25 Hess Street South	1992 June 24	Applicant	Tabled for negotiations btwn. parties

<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>S T A T U S</u> between parties
ZA-92-03 212 James Street South	1992 June 24	Applicant Harper Brothers Holdings	Tabled to submit amended application
ZA-92-19 412 Charlton Avenue West	1992 September 23	Traffic	Tabled for review of traffic conditions
ZA-92-08 1907 King Street East	1992 September 23	Applicant Faith Evangelical Lutheran Church	Tabled to resolve neighbours concerns
122 Province Street North	1992 November 18	Alderman D. Wilson	Tabled
Definition of "foster home" and "residential care facility"	1992 November 18	Alderman T. Cooke	Planning and Building Building departments to prepare a report

1992 November 26

PLANNING AND DEVELOPMENT COMMITTEE

WEDNESDAY, 1992 DECEMBER 02

CONSENT AGENDA

A. ADOPTION OF THE MINUTES

Minutes of the meeting held 1992 November 18

B. DIRECTOR OF PUBLIC WORKS

5th and 6th Annual Business Development Seminars

C. BUILDING COMMISSIONER

(a) Demolitions:

- (i) 122 Province Street North (previously tabled)
- (ii) 829 Rymal Road East
- (iii) 1512 Upper Gage Avenue

(b) Development of Joint Programme with the Ministry of Social Services

(c) Hamilton Emergency Loan Programme (H.E.L.P.)

D. COMMISSIONER OF PLANNING AND DEVELOPMENT

1993 Work Programme

URBAN MUNICIPAL
NOV
GOV 'MENT DOCUMENTS

A

Wednesday, 1992 November 18
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman D. Drury, Chairperson
Alderman F. Eisenberger
Mayor R. Morrow
Alderman M. Kiss
Alderman W. McCulloch
Alderman D. Wilson
Alderman B. Charters
Alderman H. Merling
Alderman F. D'Amico

Also present: Alderman T. Cooke
Alderman G. Copps
V. Abraham, Planning Department
P. Mallard, Planning Department
J. Hickey-Evans, Planning Department
B. Janssen, Planning Department
M. L. Tanner, Planning Department
E. Chajka, Transportation/Environmental Services
J. McNeilly, Public Works Department
C. Firth-Eagland, Public Works Department
P. Lampman, Building Department
W. Wong, Building Department
D. Powers, Law Department
R. Karl, Traffic Department
T. Agnello, Secretary

1. **CONSENT AGENDA**

A. **ADOPTION OF THE MINUTES**

The minutes of the meeting held 1992 November 4 were approved as circulated.

B. **SENIOR DIRECTOR, ROADS DEPARTMENT**

(a) **Wisemount Estates - Phase 1 (Cash-in-lieu of 5% Parkland Dedication)**

As recommended by the Senior Director, Roads Department, in a report dated 1992 November 4, the Committee recommended to Council as follows:

That the City of Hamilton accept the sum of \$11,356 as cash payment in lieu of the 5% land dedication in connection with Wisemount Estates - Phase 1, Hamilton, located in the Lisgar Neighbourhood on the west side of Upper Kenilworth Avenue, between Landron Avenue and Limeridge Road East, being the cash payment required under Section 51 of the Planning Act.

(b) **Edan Heights - Phase 3 (Cash-in-lieu of 5% Parkland Dedication)**

As recommended by the Senior Director, Roads Department, in a report dated 1992 October 29, the Committee recommended to Council as follows:

That the City of Hamilton accept the sum of \$9,180 as a cash payment in lieu of the 5% land dedication in connection with Edan Heights - Phase 3, Hamilton, located in the Butler Neighbourhood on Acadia Drive, south of Stone Church Road East and west of Upper Sherman Avenue, being the cash payment required under Section 51 of the Planning Act.

C. **DIRECTOR OF PUBLIC WORKS**

International Village Business Improvement Area; Expansion of Boundaries

As recommended by the Director of Public Works in a report dated 1992 November 10, the Committee recommended to Council as follows:

- (a) That Item 2(a), (b) and (c) of the Eighteenth Report of the Planning and Development Committee approved by City Council on 1992 October 27 be amended to read:
 - (i) That the International Village Business Improvement Area boundaries be expanded to include the following:
 - 1. both sides of King William Street from Mary to Wellington Streets
 - 2. the east side of Mary Street from King to King William Streets
 - 3. both sides of Ferguson Avenue from King to King William Streets
 - 4. the west side of Wellington Street from King William to Main Street
 - 5. Spring Street between King and Main Streets; and
 - (ii) That the City Clerk's Department be authorized and directed to circularize the existing BIA membership and the proposed expansion area with the notice of intent to expand the boundaries of the BIA and pass a new by-law in accordance with Section 220 of the Municipal Act; and,
 - (iii) That the Law Department be authorized and directed to prepare the necessary by-law.

D. **BUILDING COMMISSIONER**

(a) **City of Hamilton Heritage Programme - 235 Bowman Street**

As recommended by the Building Commissioner in a report dated 1992 November 10, the Committee recommended to Council as follows:

That a repayable loan under the Community Heritage Trust Fund in the amount of fifty thousand dollars (\$50,000) be approved for John J. Ross, in Trust, for the Hamilton Hebrew Academy, 235 Bowman Street, Hamilton. The interest rate will be six per cent, amortized over 10 years with a monthly payment of \$555.10.

(b) Demolition Permits**(i) 17 Crosthwaite Avenue North**

As recommended by the Building Commissioner in a report dated 1992 November 9, the Committee recommended to Council as follows:

That the Building Commissioner be authorized to not issue a demolition permit for 17 Crosthwaite Avenue North.

(ii) 122 Province Street North

The Committee was in receipt of a report from the Building Commissioner dated 1992 November 9.

Upon the request of Alderman Wilson, the Committee moved that this item be tabled to the next Planning and Development Committee meeting.

(iii) 547 Wilson Street

As recommended by the Building Commissioner in a report dated 1992 November 9, the Committee recommended to Council as follows:

That the Building Commissioner be authorized issue a demolition permit for 547 Wilson Street.

E. COMMISSIONER OF PLANNING AND DEVELOPMENT**Grant Agreement with the Minister of Culture and Communications regarding the Durand Markland Heritage Conservation District report**

As recommended by the Commissioner of Planning and Development in a report dated 1992 October 28, the Committee recommended to Council as follows:

That the Mayor and City Clerk be authorized to sign the standard Grant Agreement required by the Minister of Culture and Communications for the transfer of funds to the City for the Durand Markland Heritage Conservation District Study and Plan.

F. INFORMATION REPORTS**(a) Mobile Signs Regulations**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1992 November 10.

(b) Approved Site Plan Control Application

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1992 November 10.

(c) Summary of Revenues and Expenditures for the nine months ended 1992 September 30 compared with budget

The Committee was in receipt of a report from the City Treasurer dated 1992 October 23.

(d) **Recent Administrative Tribunal Update: Ontario Municipal Board**

The Committee was in receipt of a report from the City Solicitor dated 1992 October 23.

(e) **Feasibility of charging differential fees for residential and non-residential zoning verification/property reports**

The Committee was in receipt of a report from the Building Commissioner dated 1992 October 27.

(f) **Request from Alderman Kiss: Traffic devices in the vicinity of Glendale Avenue North and Primrose Avenue**

The Committee moved that the above-noted report from the Secretary of the Planning and Development Committee be removed from the agenda and referred to the Transport and Environment Committee.

2. **BUILDING COMMISSIONER**

Alderman Cooke was present on behalf of a delegation of area residents which are unable to attend the meeting.

He explained that he is concerned that four residential care facilities located within a half block are operating under the auspices of foster home. He suggested that this is a commercial use within a residential area. He felt that the definition of foster home is where a family takes in a child or children. In these homes there are hired staff on a rotating basis who are responsible for various residents.

As recommended by the Building Commissioner in a report dated 1992 November 17, the Committee recommended that the Planning and Building Departments re-examine the definitions of "foster home" and a "residential care facility" with the purpose of ensuring that "foster homes" licensed by the Province are regulated by Zoning By-law 6593 with respect to location and density.

3. **DIRECTOR OF PUBLIC WORKS**

(a) **North End East West P.R.I.D.E Anti-Recession Programme; Approval of Community Improvement Plan and financing**

Chris Firth-Eagland reviewed the report with the Committee. He explained that many public meetings have been held and the public has given full endorsement of the plan presently before the Committee. City Council has already approved the development of the Pier 4 Park within the master plan. The Plan includes pedestrian linkages, lighting and landscaping details. The only item of concern may be the Bay Street North closure which the chamber of Commerce has some reservations about. This closure has been approved by Council one and one half years previous.

Alderman Merling advised that the Bay Street closure has never formally been approved by the Transport and Environment Committee and it has also not come before Regional Committee.

Alderman McCulloch felt that the road closure will enhance the park and the neighbourhood. He advised that access to the park will be via James Street and John Street and possibly MacNab Street.

Alderman Wilson added that the turn from Bay Street to Guise Street is dangerous.

In response to an inquiry regarding traffic, Mr. Karl advised that because no master plan is in place, the Traffic Department is not in a position to conduct a traffic study. He added that this portion of Bay Street is considered to be a local neighbourhood road.

An amendment was placed on the floor and carried to refer the Bay Street closure to the Transport and Environment Committee.

The Committee recommended to Council the recommendation of the Director of Public Works in a report dated 1992 November 11 as amended as follows:

- (i) That pursuant to the citizen input received at a Public Meeting held 1992 November 04, the North End East and West Community Improvement Plan attached as Appendix "A" (distributed to Council members under separate cover) be approved and submitted to the Ministry of Municipal Affairs for their approval; and,
 - (ii) That the Law Department be authorized to prepare the necessary by-law to adopt the North End East and West Community Improvement Plan in accordance with (a) above; and,
 - (iii) That the Public Works Department be authorized to implement the improvements to Bay Street, Guise Street and pedestrian connections to the Waterfront Parks in accordance with the Community Improvement Plan at a total estimated cost of \$400,000., 50% Provincial and 50% Municipal including all accrued interest; (the closure of Bay Street to be subject to review and approval of the Transport and Environment Committee); and,
 - (iv) That the Finance and Administration Committee be requested to provide the matching funds of \$200,000. from the Pier 4 Park development funding Account No. CH 5200 419154007.
- (b) **Central Beasley Programme for Renewal, Improvement, Development and Economic Revitalization - Housing Intensification (P.R.I.D.E. H.INT.) - Implementation Plan**

Consultants Gary Heine and Virginia Burt of J.S.W. and Associates were present to review the programme. Mr. Heine advised that staff and citizens have been involved in 8 formalized meetings as well as informal discussions. A drop in centre was established to get public input as well.

Ms. Burt added that the area is bounded by Bay, Wellington, CN Tracks and York/Wilson/King William Streets. She informed the Committee that there is a cost sharing programme with schools to develop a playground area and a community centre is also proposed. A tree planting program is also scheduled to include buffering/fencing and planting to beautify the area. The programme also includes a list of optional projects which can be implemented.

In response to a question from Alderman Drury, Ms. McNeilly advised that Ferguson Avenue is under a different programme. She also stated that some road closures are being proposed but they are to go through the Transport and Environment Committee for approval.

As recommended by the Director of Public Works in a report dated 1992 November 10, the Committee recommended to Council as follows:

- (i) That the Implementation Plan for the Central/Beasley Community Improvement Project Area under the PRIDE H.INT. Programme, attached as Appendix "B", be approved; and,

- (ii) That the Community Renewal Section of the Public Works Department be authorized to implement the projects within the Plan at an upset estimated cost of \$1,095,805.90. as per the attached Appendix "C".

4. **COMMISSIONER OF PLANNING AND DEVELOPMENT**

- (a) **Hamilton GO Transportation Centre Area Study - Terms of Reference for funding - request to Province**

Bill Janssen advised that terms of reference and an estimated cost of \$60,000 are being presented as per the direction of the Planning and Development Committee. Various ministries have been contacted to determine if funding is available for the project.

Alderman Copps suggested that a representative for persons with disabilities be included on the Technical Staff Committee. She suggested that "barrier free access" be incorporated into the report.

Alderman Eisenberger suggested that if Provincial funding is not available, the study should proceed through interdepartmental teams.

As recommended by the Commissioner of Planning and Development in a report dated 1992 November 10, the Committee recommended to Council as follows:

- (i) That the City Clerk request the appropriate ministries of the Province of Ontario, including the Minister of Municipal Affairs, the Minister of Transportation, and others as deemed appropriate by staff, to consider the provision of funding for the Hamilton GO Transportation Centre Area Study, as outlined in the Terms of Reference, attached as Appendix "D" (as distributed to Council members under separate cover), in the amount of sixty thousand dollars (\$60,000.00), including the Goods and Services Tax;
- (ii) That local Members of the Provincial Parliament be advised of the municipality's requests for funding for the Hamilton GO Transportation Centre Area Study; and,
- (iii) That, if the provincial funding for the study is obtained, staff be authorized to proceed with the proposal call.

- (b) **Access for the Physically Disabled and Barrier Free Design - Amendment to the Official Plan**

Joanne Hickey-Evans reviewed amendments with the Committee. The programme is to include both civic and private initiatives.

As recommended by the Commissioner of Planning and Development in a report dated 1992 November 11, the Committee recommended to Council as follows:

- (i) That Council reaffirm its decision "to require access for persons with physical disabilities or barrier free design for all developments in the City, including both civic and private initiatives" as a City Policy;
- (ii) That the Planning and Development Committee request the Planning and Development Department to amend the existing Official Plan policy (Section C.2 - Safety and Convenience)

dealing with access and barrier free design to incorporate minor wording changes as follows:

"2.3 Council recognizes the concept of barrier free design as an important component of new development and/or redevelopment which may be realized through measures such as, but not limited to:

- (1) the ramping of sidewalks;
- (2) the requirement of appropriate access by ramps, elevator or other means to all publicly accessible buildings and open spaces;
- (3) the reservation of conveniently located and appropriately designed parking spaces for all public and private buildings for use by the physically disabled;
- (4) co-operation with the appropriate public agencies to investigate and implement appropriate public transportation opportunities for the physically disabled.
- (5) co-operation with the appropriate government, public, or private agencies, organizations, or committees dealing with issues related to disabilities."

and to include these modifications in the housekeeping amendment.

ZONING APPLICATIONS AND PUBLIC MEETINGS

5. **Amended ZA-92-31, Robert J.Charko, owner, for a change in zoning from "D" District to "E-2" District, for property located at No. 174 Ferguson Avenue South; Corktown Neighbourhood**

Submissions were received from the following:

- (a) Owner/occupant, 173 Forest Avenue, Hamilton
- (b) Francois and Wanda Roesch, 171 Forest Avenue, Hamilton

Paul Mallard advised that the application is to permit a 3 1/2 storey, 16 unit, multiple dwelling whereas 2 single family dwellings are permitted. This is being proposed in a stable low density residential block. The proposal conflicts with the intent of the official plan since it is an overintensification of use. Parking is proposed to the front of the property and the building will be located at the rear of the property. Of the notices circulated, 13 residents replied in favour and 17 were opposed.

Jerry Wannop was present on behalf of the developer. He circulated an original zoning map and photos of the neighbourhood. He stated that the property will be properly landscaped and a low stone wall will be built in the rear to buffer noise. The applicant has made concessions by reducing the elevation and other requirements.

Mr. Charko stated that he works in an office at Young and John Street and feels his building will be an asset. He suggested that the neighbourhood is mixed residential and that the building would have been permitted under 1974 by-laws. The parking

is being proposed to the front of the property for safety reasons. The project will create approximately 3,000 man hours of labour.

Dave Rossi of 177 Forest Avenue asked about reasons for rezoning in 1975 to which Mr. Mallard replied that the area was rezoned to a lower density in order to preserve the character of the neighbourhood.

Mr. Rossi suggested that 13 parking spaces is not sufficient for 16 dwelling units.

Brenda King of 169 Forest Avenue was concerned with lack of privacy, added traffic and safety for children crossing to school.

Paul Roesch of 171 Forest Avenue stated that the property will be overdeveloped. He felt the owner is aware that the area is zoned low density and should remain as such.

Alderman McCulloch stated that the proposal is an overintensification of use. He also does not agree with frontyard parking. He feels the development will intrude into a single and double family neighbourhood. Alderman Wilson concurred.

The Mayor also concurred but suggested that an alternate proposal be submitted for the Committee's consideration.

As recommended by the Commissioner of Planning and Development in a report dated 1992 November 10, the Committee recommended to Council as follows:

That Zoning Application 92-31, Robert J. Charko, owner, requesting a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to "E-2" (Multiple Dwellings) District, to permit the development of the subject lands for a 3 1/2 storey, 16 unit multiple dwelling, for the property located at 174 Ferguson Avenue South, shown on the attached map marked as Appendix "E", be denied for the following reasons:

- (a) it is contrary to the intent of the Official Plan, in that the proposal is incompatible with existing and proposed development in the immediate area in terms of height, bulk, and arrangement, which would ultimately contribute to an undesirable housing mix;
 - (b) it conflicts with the intent of the approved Corktown Neighbourhood Plan which designates the property "Single and Double Residential". In this regard the proposal represents high density development (i.e., 16 units or approx. 87 units per acre); and,
 - (c) it represents an over intensification of land use in that the proposal would require variances with respect to required parking in the front yard, elimination of the required loading space, etc.
6. **ZA-92-37, 394553 Ontario Limited (L. & D. Pasquale), lessee, for a modification to the established "H" District regulations, for property located at No. 664-682 Concession Street (Unit 664); Easemount Neighbourhood**

The Committee was in receipt of a submission from Mr. David Wismer, M.D., 666 Concession Street, Hamilton, L8V 4T9 and Cheryl Townson of 13 East 26th Street, Hamilton, L8V 3C3.

Paul Mallard advised that a modification is being requested to the "H" District to convert one unit in a 7 unit professional office to a take out delicatessen. The request is to deal with special parking provisions.

Mr. Mallard continued by giving a brief history of the property by stating that Committee of Adjustment applications for 1992 and 1993 were denied. Planning opinion is that no additional parking will be created as a result of this use. The

application complies with the intent of the Official Plan. Of 286 notices mailed, 30 replied in favour and 14 replied in opposition.

John Ariens and Serge Manchia of Planning Initiaves and Mr. and Mrs. Pasquale, owners, were present.

Mr. Ariens advised that the establishment will be a takeout deli only which will cater to the office staff on Concession Street and the hospital. It is not expected to generate traffic. There will be no alcohol served and no seating. The hours will be from 7 a.m. to 7 p.m. The kitchen facilities will be limited with no deep fryers. This is more of a retail establishment than it is a restaurant.

Pat Pasquale advised that this business will provide a healthy alternative to the cancer patients.

Alderman Merling quoted a decision of the Ontario Municipal Board which turned over a decision of the Municipality to allow a take out restaurant based on the spillover effects to the surrounding neighbourhood. He stated that Concession Street is mixed commercial abutting a residential neighbourhood. He also suggested that if approved, this deli can be converted in any other fast food place selling pizza or chinese food.

Alderman Eisenberger felt that the establishment will be serving the surrounding medical offices and hospital and, as such, will not generate additional traffic. This use will be compatible with the Concession Street landscape.

Alderman Wilson was of the opinion that garbage and parking problems will be generated.

Alderman Charters was concerned with traffic.

A motion was placed on the floor to deny the application and was defeated.

As recommended by the Commissioner of Planning and Development in a report dated 1992 November 10, the Committee recommended to Council as follows:

That approval be given to Zoning Application 92-37, 394553 Ontario Limited, (J. & D. Pasquale), owners, requesting a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations, to permit a take-out restaurant/delicatessen within the existing building (unit 664), for property located at 664-682 Concession Street, as shown on the attached map marked as Appendix "F", on the following basis:

- (a) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to the

subject lands, be modified to include the following variances as special requirements:

- (i) That notwithstanding Section 14(1), one take-out restaurant/delicatessen having a maximum floor area of 60.0 m² shall be permitted within the existing building;
 - (ii) That Sections 18A(36)1.(b)&(c) and 18A(36)2. shall not apply to the take-out restaurant/delicatessen;
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1296 and that the subject lands on Zoning District Map E-24 be notated S-1296;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,

- (d) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

7. GENERAL MANAGER, HOUSING DEPARTMENT (INFORMATION REPORT)

1992 - 2002 Capital Budget

Alderman Charters advised that substantial upgrades may be required for the Ada Pritchard and Macassa Park apartments. At some point in time, they may be operated as separate entities or included under the jurisdiction of the Municipal Non-Profit Board.

The Committee moved to receive the report of the General Manager dated 1992 November 12.

8. OTHER BUSINESS

Alderman Drury distributed copies of a memo dated 1986 June 18 regarding a restaurant with a view. He explained that he would like the matter reviewed and suggested that Sam Lawrence Park not be considered as a site. He recommended that staff review the report and recommend a potential site of a mountain brow restaurant.

Alderman Charters does not agree that parkland should be used as a site for a restaurant. He suggested that an existing building be converted to restaurant use. Alderman Wilson concurred.

Alderman Kiss suggested that this type of development focus on the downtown core.

Alderman Eisenberger felt that the private sector should be the driving force behind this type of development. He agreed that an existing building should be converted.

Alderman Merling was of the opinion that this proposal is untimely.

The Committee generally concurred that the proposal merits review. As such, the Committee directed Planning staff to review and prepare a report on potential sites on the mountain brow for the development of a restaurant.

9. ADJOURNMENT

There being no further business, the Committee meeting adjourned.

TAKEN AS READ APPROVED,

**ALDERMAN DON DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE**

**Appendix "A" referred to
in Section 3(a)(i) of the minutes
of the Planning and Development
Committee held 1992 November 18**

**NORTHEND EAST AND NORTHEND WEST
COMMUNITY IMPROVEMENT PLAN**

Northend East and Northend West - Neighbourhood Profile:

The Northend East and Northend West Neighbourhoods cover an area of approximately 285 hectares with a total population of 4,814 (1991 land use characteristics). The boundaries of the combined neighbourhoods are: on the north by the Hamilton Harbour north of Guise Street, on the east by Wellington Street North, on the south by the Canadian National Railway Freight Yards south of Strachan Street, and on the west by Hamilton Harbour, west of Bay Street North. Neighbourhood Maps are attached. (Schedules 'A' and 'B')

The Northend Neighbourhoods contain a number of areas of different land uses including commercial, residential, parkland/recreational, Harbour Commissioner's and industrial. Housing is predominantly single family (1 or 2 family) dwellings zoned "D". Commercial uses are predominantly situated on James Street North and Burlington Streets. There are three schools in the area - Centennial Public School, Bennetto Senior Public School and St. Lawrence Separate School. Land Use Maps are attached. (Schedules 'C' and 'D')

The Community Improvement Project Area

The Community Improvement Project Area is comprised of segments of the Northend East and West Neighbourhoods, extending from the CN mainline on the south, along MacNab Street North northerly to Burlington Street, east to the western edge of Eastwood Park, north to Guise and south-easterly along Guise, Leander Drive and the boundaries of the Waterfront Development to meet up with the CN lines. The Northend East and West Community Improvement Project Area, adopted by By-law 92-054, is comprised of portions of the Northend East and West Neighbourhoods. Subsequently, an amendment to this Community Improvement Project Area was adopted by City Council by By-law 92-162 on 1992 May 26 and is attached as Schedule 'E'.

Background

In 1973 the Northend Urban Renewal Redevelopment Plan was adopted by By-law for the purpose of carrying out improvements in the Northend Neighbourhoods. Since that time no major capital projects have been undertaken in that area.

Adjacent waterfront lands have been the subject of a comprehensive study completed in 1985. Development of Pier 4 and Harbourfront Parks is presently occurring but does not encroach on the Community Improvement Project Area.

Subsequently, the Northend East and West Community Improvement Project Area was formed and adopted by City Council in 1992.

A public process has been undertaken for the combined areas of the Waterfront and the Northend East and West Community Improvement Project Area. A citizen's committee was established and public meetings and design workshops were held in 1991. As a result of these and other meetings, the following improvements for the Community Improvement Project Area have been proposed.

Proposed Improvements:

During the public process, citizens and committee members expressed concern over a number of elements some of which were specifically within the Community Improvement Project Area:

- close Bay Street to link Pier 4/Harbourfront Park to Bayview Park
- bury overhead electrical wires
- redesign street and park lighting for lighting control, improved and co-ordinated design and improved security
- create/upgrade bicycle and pedestrian links/pathways
- upgrade Guise Street
- provide safe and accessible pathways to Harbourfront, Pier 4, Bayview and Eastwood Parks

Therefore, the P.R.I.D.E. Anti-Recession Programme funds will be allocated to the following:

1. Landscaping and hard surface treatment to Guise Street and Bay Street
2. Provision of new lighting on Guise and adjacent pedestrian/bicycle pathways
3. Additional landscaping as required to provide for safe and accessible bicycle and pedestrian routes connecting the Northend Community Improvement Project Area to Harbourfront, Pier 4, Bayview and Eastwood Parks as well as the Ferguson Avenue Community Improvement Project Area (attached as Schedule 'F').

These improvements conform with the official plan.

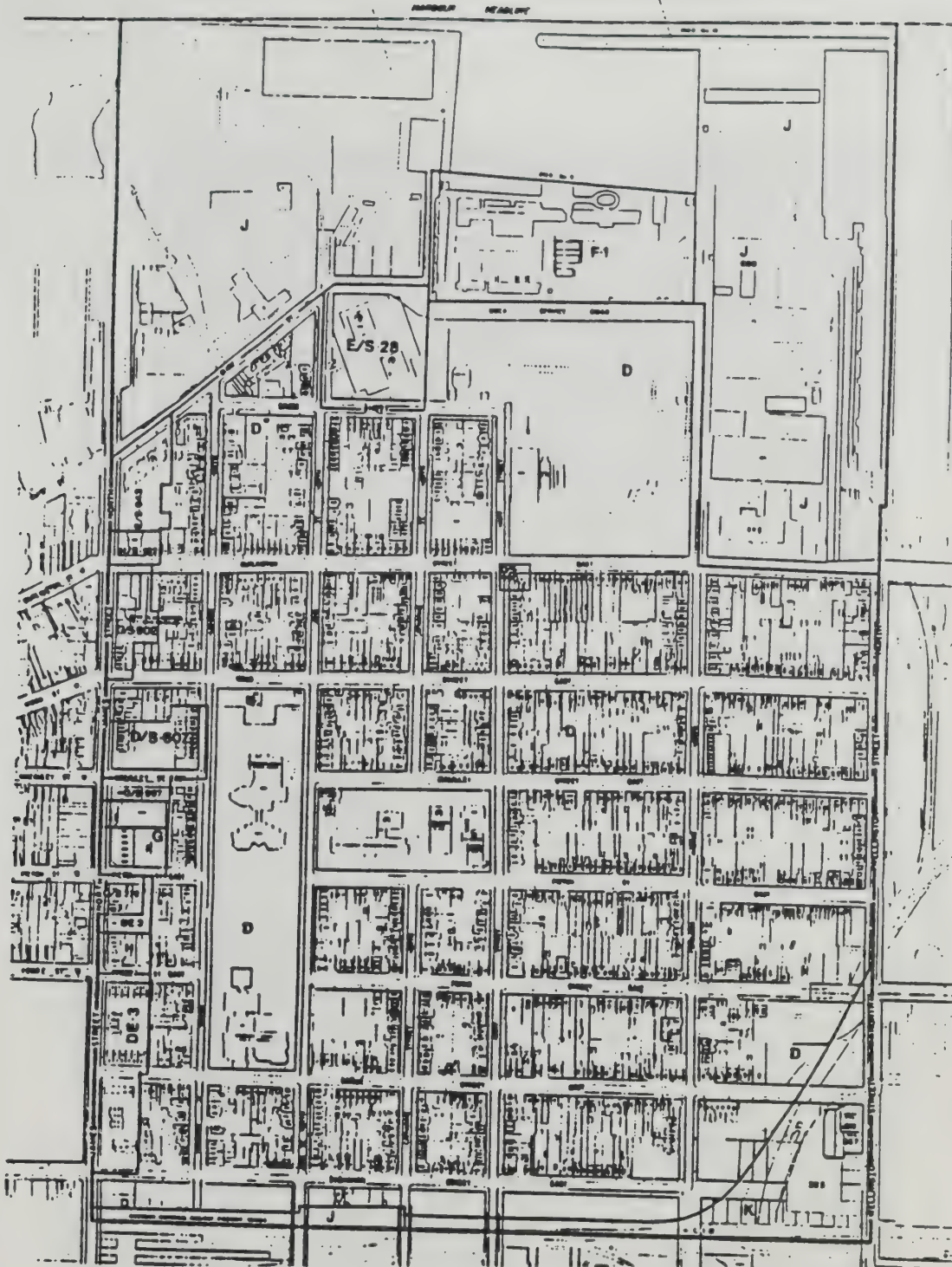
Implementation Plan:

The City of Hamilton's Public Works Department, is working closely with the Regional Municipality of Hamilton-Wentworth and Hamilton Hydro-Electrical Systems along with the public to prepare detailed plans for the project area. Implementation is expected to occur in the fall of 1992 and the spring of 1993 in accordance with the P.R.I.D.E. Anti-Recession Programme Guidelines.

LIST OF ATTACHMENTS

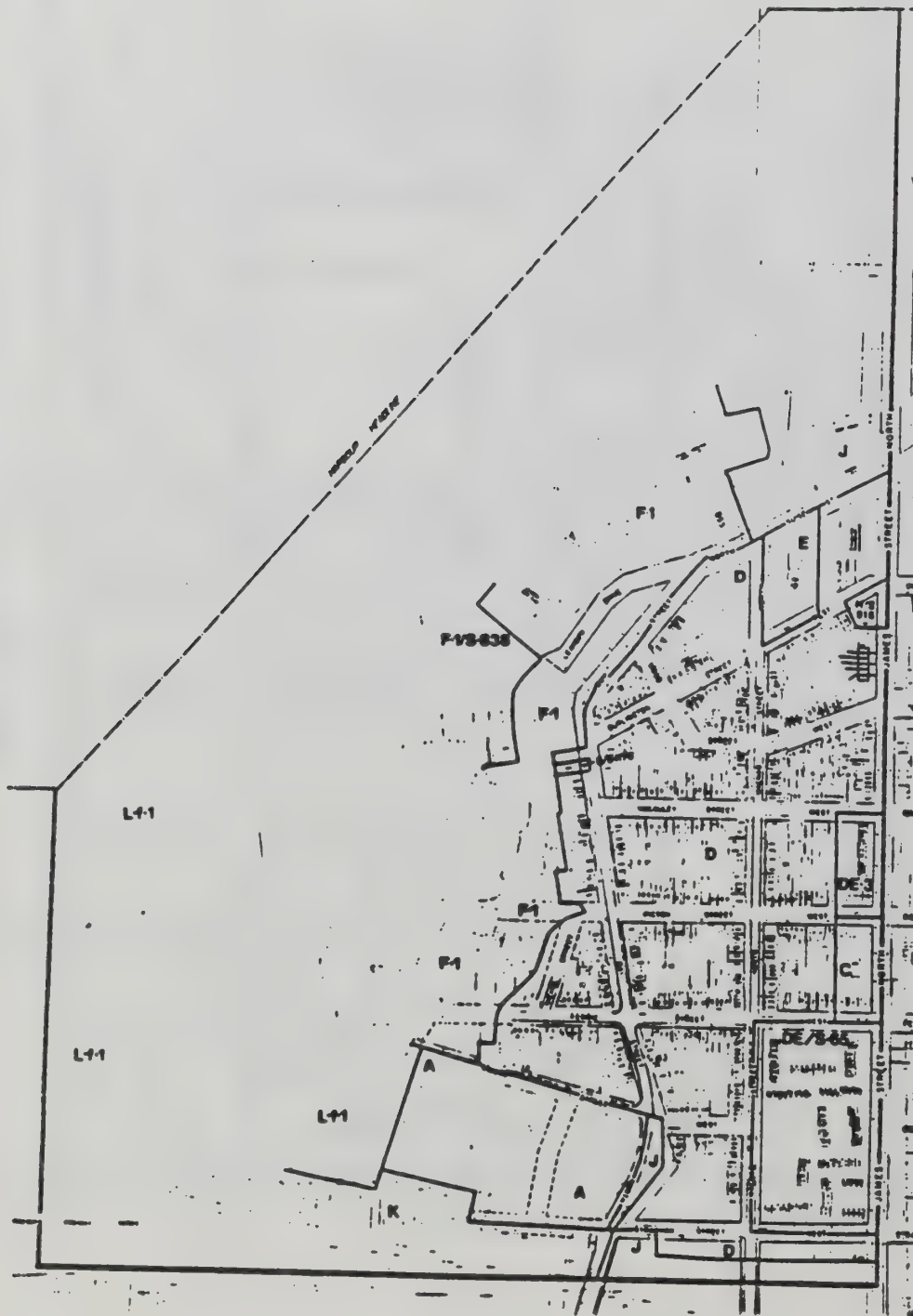
- A** North End East Zoning Map
- B** North End West Zoning Map
- C** North End East - Land Use Map
- D** North End West - Land Use Map
- E** North End East and West Community Improvement Project Area
- H** Declaration Confirming Public Meeting Held

NOTE: Schedules do not form part of the Community Improvement Plan



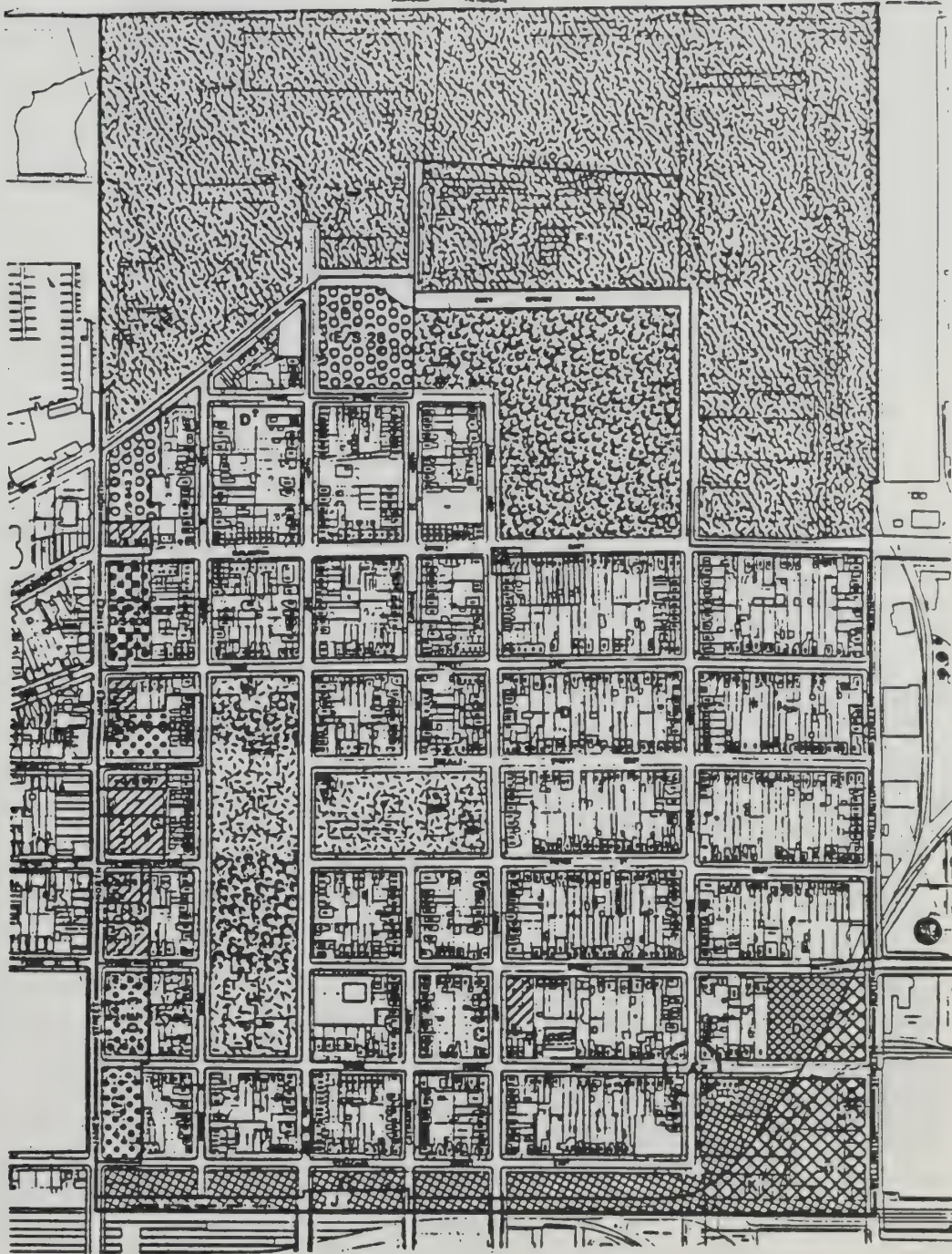
All Lands Within This Neighbourhood Is Subject
To Site Plan Control By-law No. 90-285.

<div data-bbox="1066 1764 1157 1858" data-label="Text"> <p>107 108 09 21 10 05</p> </div> <div data-bbox="1029 1864 1189 1906" data-label="Text"> <p>This is not a Legal Document For Siting Verification Please Contact City Building Department.</p> </div>	<div data-bbox="1284 1785 1444 1890" data-label="Section-Header"> <p>CITY OF HAMILTON NORTH END EAST ZONING</p> </div>
<div data-bbox="986 1921 1228 1963" data-label="Text"> <p>Neighbourhood Boundary Zoning Boundary</p> </div> <div data-bbox="1013 1963 1204 2003" data-label="Text"> <p>Prepared for The City of Hamilton by the Planning and Development Department of the Regional Municipality of Hamilton-Wentworth</p> </div>	<div data-bbox="1236 1921 1484 1963" data-label="Text"> <p>Scale 0 100 200 Feet</p> </div> <div data-bbox="1236 1963 1484 2003" data-label="Text"> <p>6103 106</p> </div>



All Lands Within This Neighbourhood is Subject
To Site Plan Control By-law No. 90-285.

<p>66 107 108 107 21 10</p> <p>This is not a Legal Document For Zoning Verification Please Consult City Building Department</p>	<p>CITY OF HAMILTON</p> <p>NORTH END WEST</p> <p>ZONING</p>
<p>Neighbourhood Boundary</p> <p>Zoning Boundary</p>	<p>SCALE</p>
<p>Prepared for the City of Hamilton by the Planning Department and the Department of Building and Construction</p>	<p>6102 JANUARY 1980 107</p>



NOTE: THIS IS A GUIDE PLAN ONLY AND IS SUBJECT TO CHANGE. FOR DETAILS CONTACT THE LOCAL PLANNING DIVISION OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH



THIS AREA TO BE DEFT WITH IN A FUTURE OFFICIAL PLAN AMENDMENT PENDING DETERMINATION OF JURISDICTION.



PUBLIC PARK AREA TO BE PROVIDED IN THE VICINITY OF THIS SYMBOL. THE PARTICULAR LOCATION OF WHICH SHALL BE DETERMINED AT SUCH TIME AS FUNDS ARE AVAILABLE FOR ACQUISITION.

All Lands Within This Neighborhood Is Subject To Site Plan Control By-Law No. 60-285.

LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apt.
- medium density apt.
- high density apt.
- commercial & apt.

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

- Neighborhood Boundary
- zoning Boundary
- Staging of Development Boundary

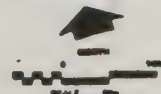
Approved

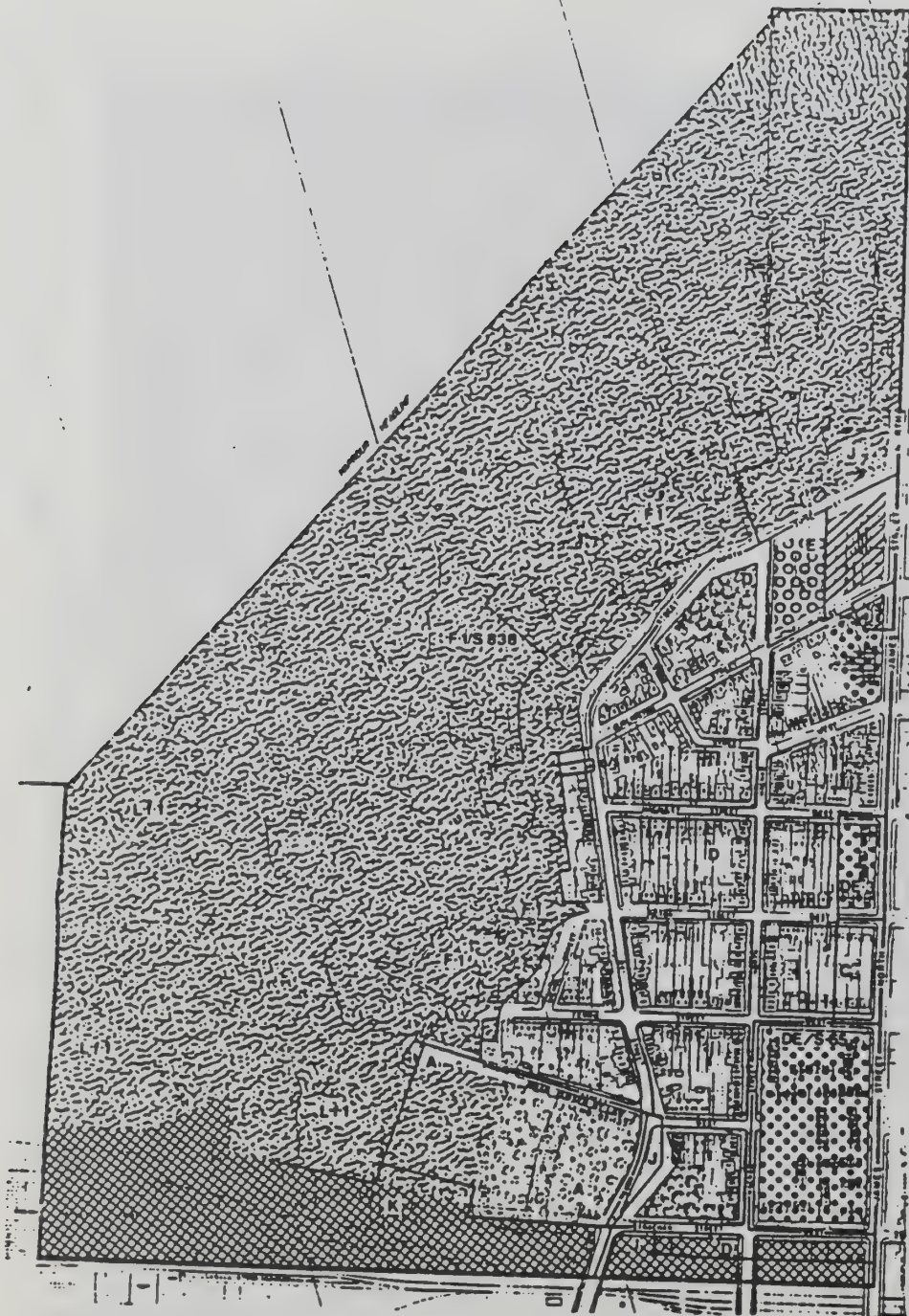
Pending City CAY 21, 1995 Council JULY 27, 1995

Latest Amendment Date CAY 5, 1995

CITY OF HAMILTON
PLANNING DEPARTMENT

NORTH END EAST
APPROVED PLAN





NOTE: This is a GUIDE PLAN only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.



THIS AREA TO BE DEALT WITH IN A FUTURE OFFICIAL PLAN AMENDMENT PENDING DETERMINATION OF JURISDICTION.

All Lands Within This Neighbourhood is Subject To Site Plan Control By-Law No. 90-295.

EXISTING POPULATION (1985) 1688

LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

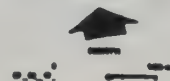
--- Neighborhood Boundary
— Zoning Boundary

Approved
Planning Committee 1987, 12/15/87 Council JULY 27, 1988

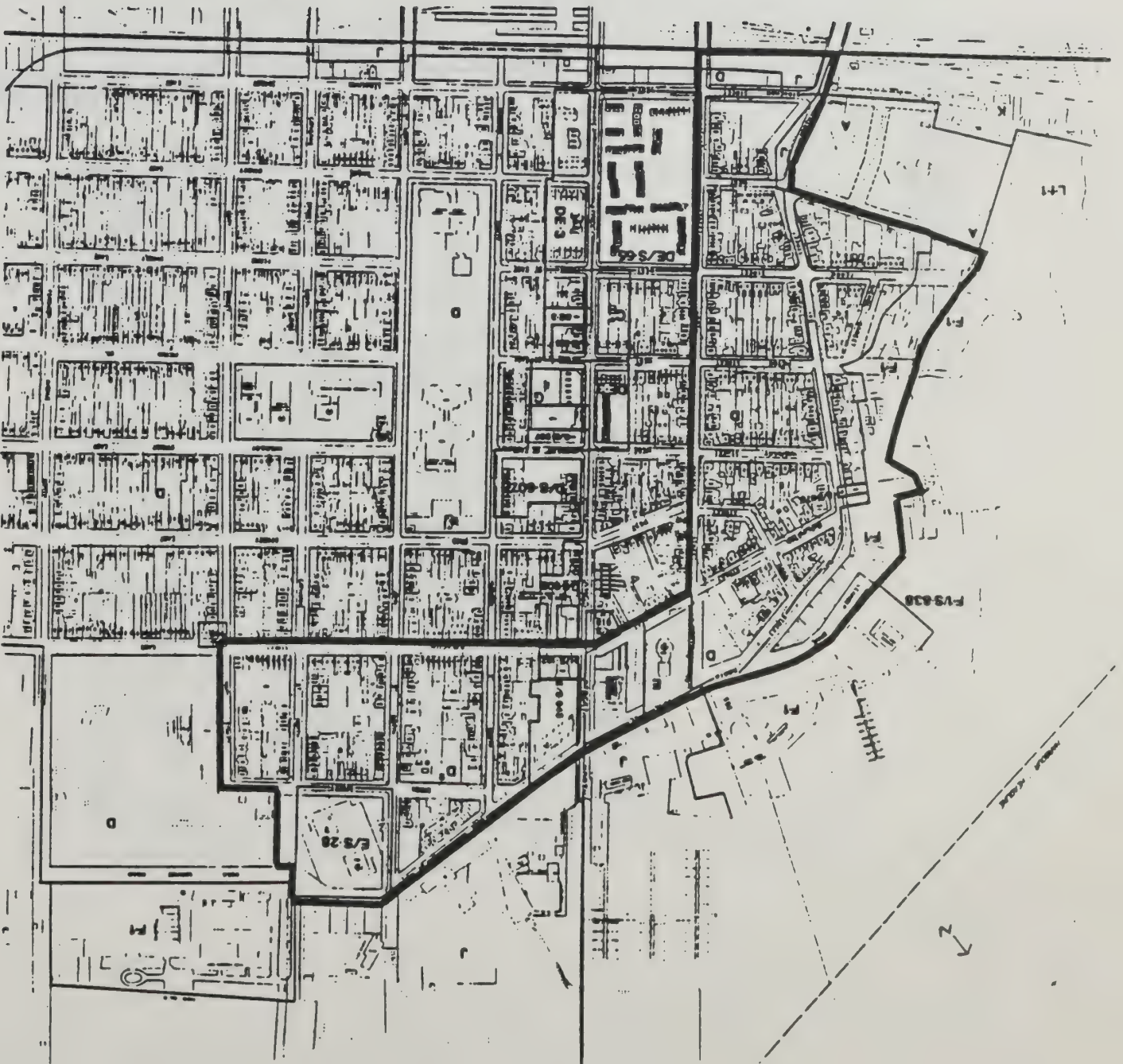
Latest Revision Date: 10/28/91 11:00 AM

CITY OF HAMILTON
PLANNING DEPARTMENT

NORTH END WEST
APPROVED PLAN

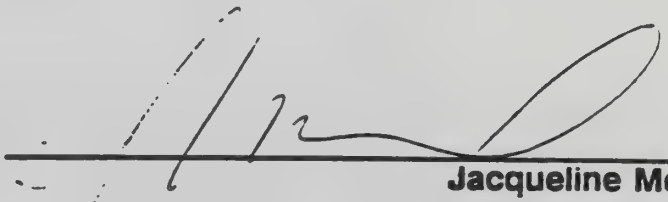


**NORTH END EAST AND WEST COMMUNITY
IMPROVEMENT PROJECT AREA**



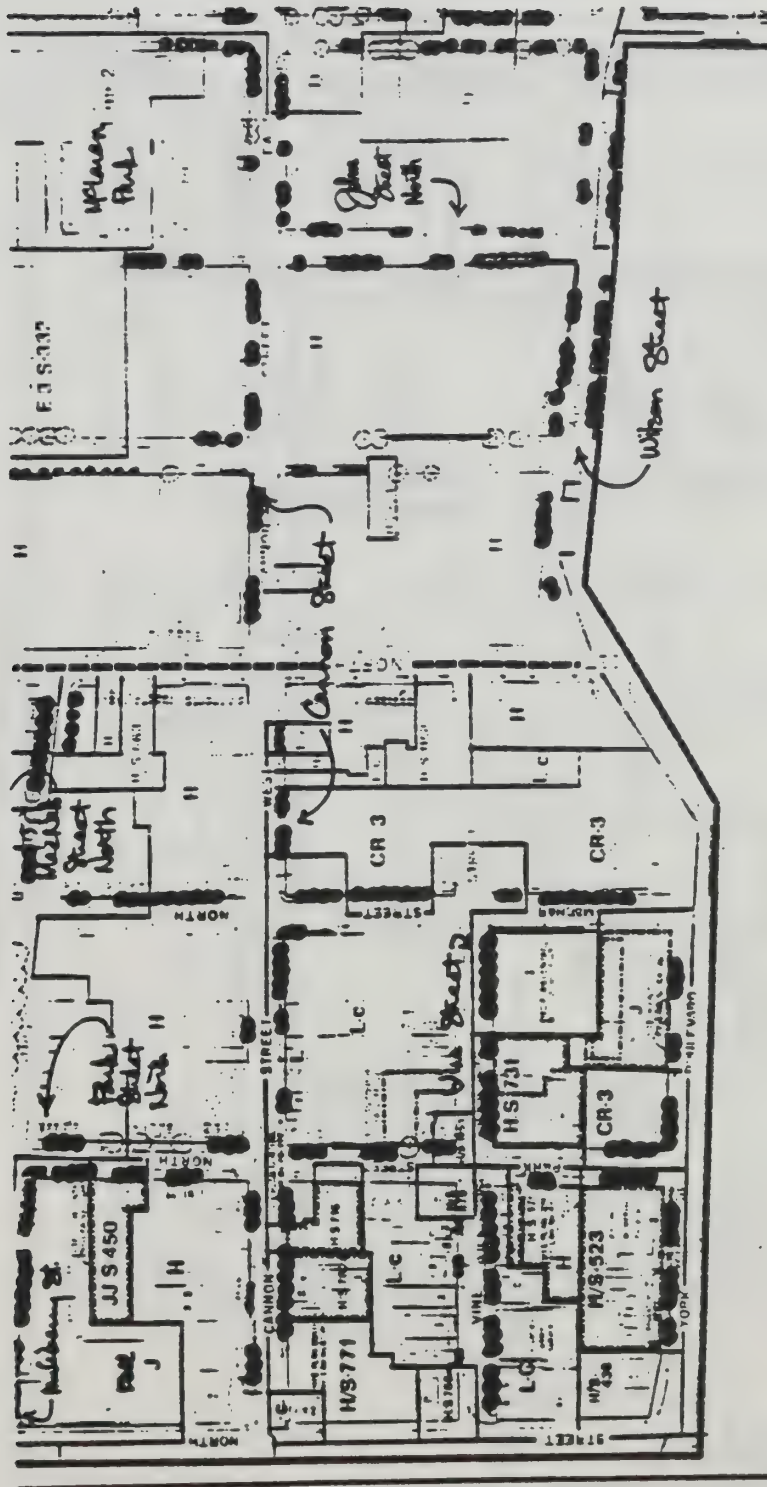
DECLARATION

I Jacqueline McNeilly do hereby declare that a Public Information Meeting was held on 1992 November 04 to present the North End East and West Community Improvement Plan in accordance with Section 28 of the Planning Act.

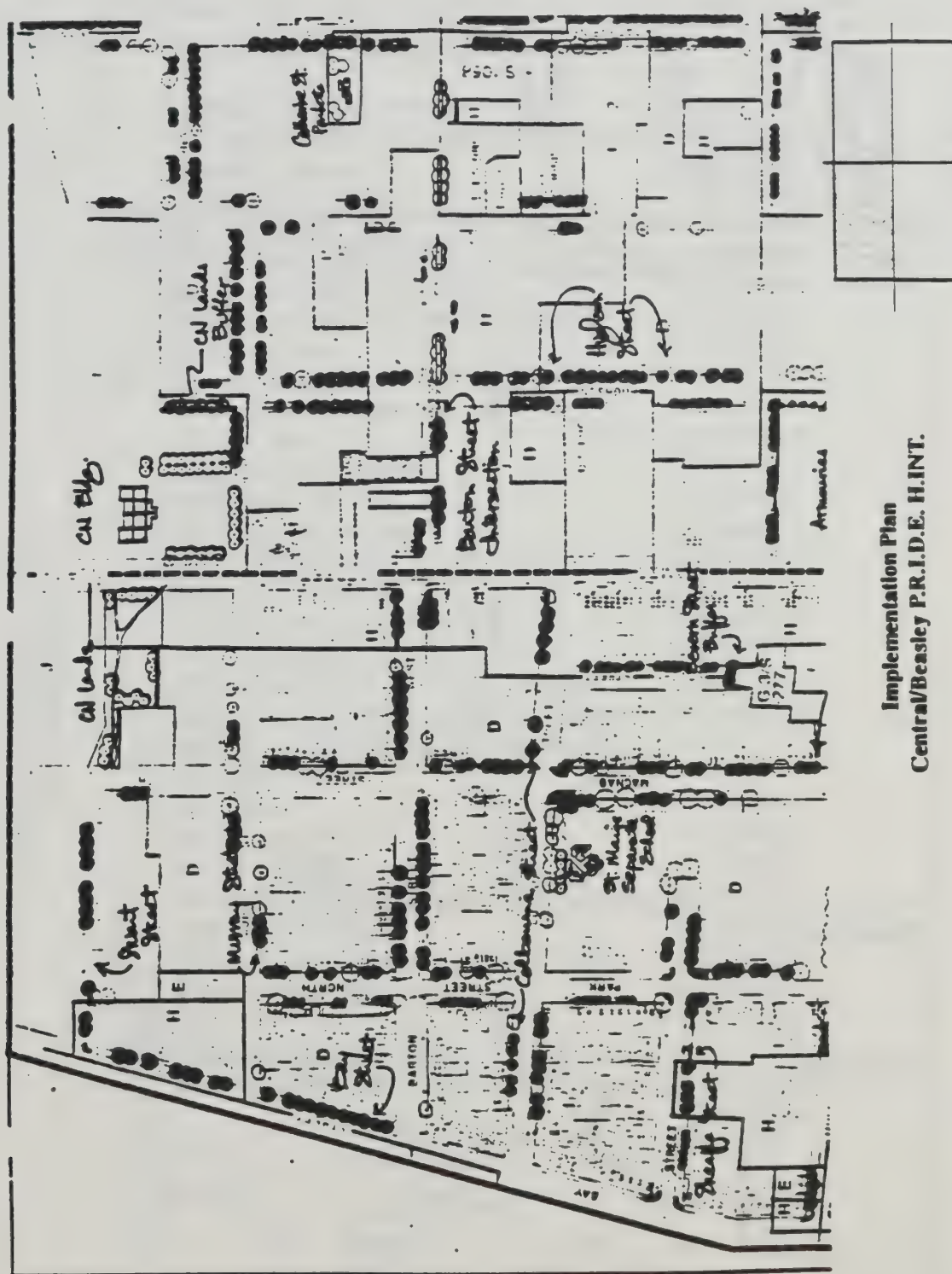


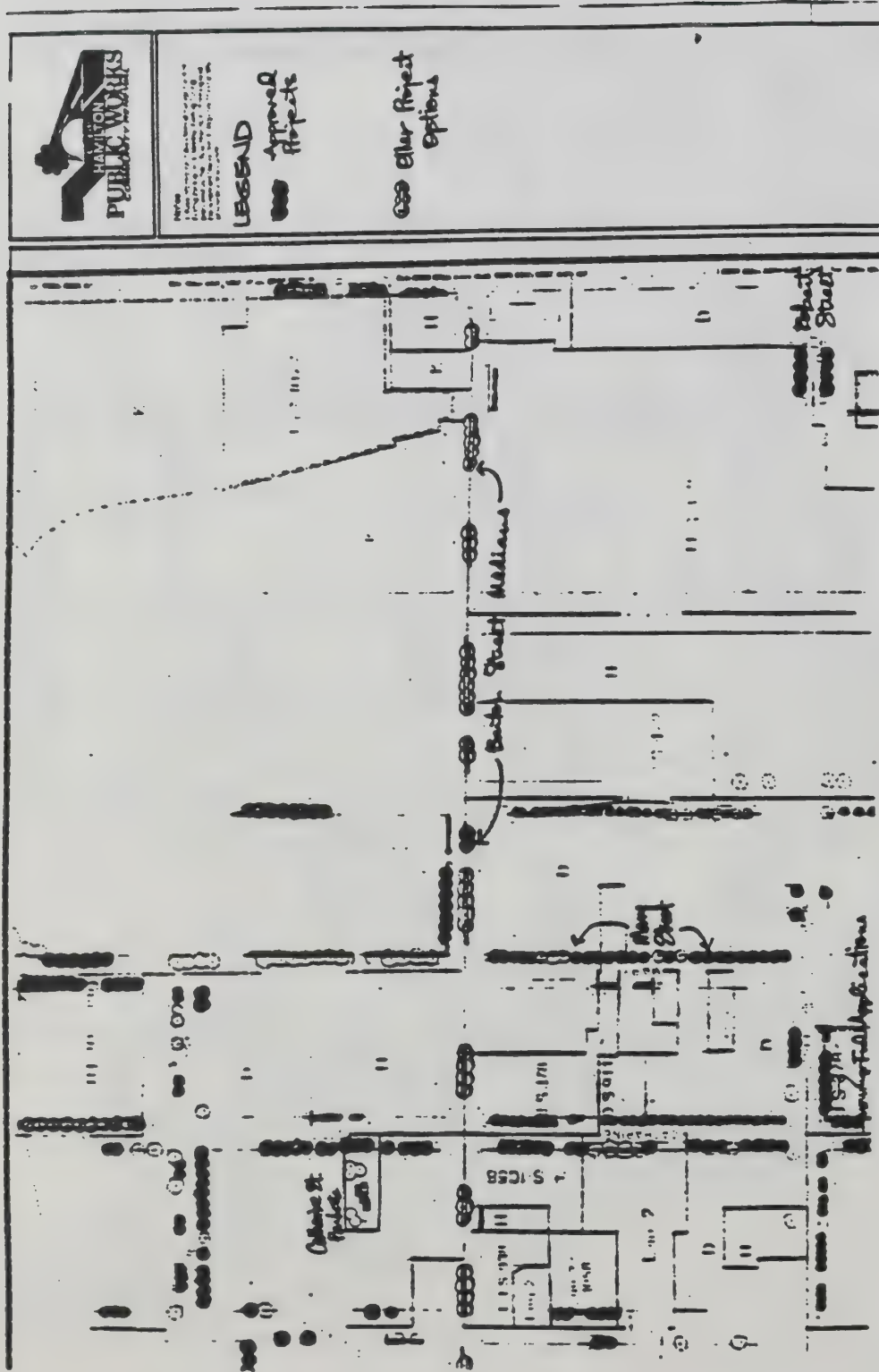
Jacqueline McNeilly

Appendix "B" referred to
in Section 3(b)(i) of the minutes
of the Planning and Development
Committee held 1992 November 18



Implementation Plan
Central/Beasley P.R.I.D.E. H.INT.





Implementation Plan
Central/Beasley P.R.I.D.E. H.INT.

Appendix "C" referred to
in Section 3(b)(ii) of the minutes
of the Planning and Development
Committee held 1992 November 18

APPROVED CAC PROJECTS

Barton Street Intersection	\$ 53,417.50
MacNab Street North (North of Cannon)	\$ 32,085.00
Mulberry Street	\$ 20,941.50
Severn Street Buffer	\$ 12,650.00
Sheaffe Street	\$ 35,673.00
Stuart Street Linkage	\$ 9,044.75
CN Lands Buffer in R.O.W.	\$ 21,505.00
Park Street North (North of Cannon)	\$ 41,285.00
Cannon Street	\$ 84,985.00
Robert Street	\$ 12,017.50
Cathcart Street Parkette	\$ 46,402.50
Wilson Street	\$115,805.00
Hughson Street North	\$ 36,972.50
John Street North	\$ 42,205.00
Catharine Street North	\$ 70,868.75
Mary Street North	\$ 51,175.00
Elgin Street North	\$ 35,132.50
Cathcart Street North	\$ 22,827.50
Wellington Street North	\$ 21,073.75
Park Street North (South of Cannon)	\$ 18,400.00
MacNab Street North (South of Cannon)	\$ 23,862.50
Buffer - All Soul's Church parking lot	\$ 9,027.50
Murray Street	\$ 24,955.00
Bay Street	\$ 7,647.50
Colbourne Street	\$ 13,340.00
Severn Street	\$ 5,235.50
Mulberry Street (Bet. MacNab & James)	\$ 5,635.00
Kelly Street	\$ 10,120.00
Rebecca (Bet. Ferguson & Catharine)	\$ 6,037.50
King William Street	\$ 3,622.50
Vine Street	\$ 21,447.50
Robert Street (Bet. John & Wellington)	\$ 12,477.50
St. Mary's Separate School	\$ 25,000.00
	<u>\$952,874.75</u>
15% Contingency	\$142,931.21
<u>TOTAL</u>	<u>\$1,095,805.90</u>

Appendix "D" referred to
in Section 4(a)(i) of the minutes
of the Planning and Development
Committee held 1992 November 18

TERMS OF REFERENCE
HAMILTON GO CENTRE AREA STUDY

SCOPE:

With the renovation and redevelopment of the former TH&B Station by GO Transit, the City of Hamilton is presented with a significant opportunity to evaluate the area surrounding the new GO Station. The new Hamilton GO Transportation Centre is intended to function as a station to bring people into the City as well as provide train service from Hamilton. It is not intended to function as a station providing service for park-and-ride commuters as this function is served by the Aldershot Station. The Hamilton GO Transportation Centre is intended to be an intermodal urban transit centre.

In this light, the City of Hamilton is seeking to evaluate the area surrounding the GO Station (bounded by James Street, King Street, John Street, and Augusta Street) to integrate the GO Centre with its surrounding environment. It is recognized, however, that there are linkages to areas of the City outside the study area and, where appropriate, these will be included in the final plan. The City requires the selected consultant to develop a comprehensive plan for the GO Station area. The plan will include specific proposals and recommendations to address the issues identified in this Terms of Reference, actions for implementing the recommendations, and a time frame for implementation.

PURPOSE:

GO Transit is upgrading its facilities for GO train service to Hamilton. Plans are being prepared to enable the Hunter Street train station to be restored and renovated, to serve as an intermodal train/bus terminal, namely the Hamilton GO Transportation Centre, which will provide a focus for GO trains, local and inter-city bus services. The November, 1989 Environmental Assessment Report was approved by the Minister of the Environment in April, 1992, subject to a number of conditions. A Preliminary Design Report for the Hamilton GO Transportation Centre was prepared, dated January, 1991 outlining plans for the restoration and renovation of the building and related transit facilities. Detailed design drawings are presently being prepared, which will enable the project to be taken to tender.

GO Transit's schedule for the project includes the following targets:

- Working drawings of the Hamilton GO Transit Centre to be submitted to the Planning and Development Department, for comments from municipal departments and committees, from November, 1992 through approximately February, 1993;
- Finalization of the detailed design for the GO Centre, and beginning of tendering for the restoration and renovation, by about March, 1993;

- Completion of the restoration and renovation, and opening of service, by approximately December, 1994; and,
- Construction of the storage yard for GO trains, presently proposed in the area east of Victoria Avenue, by late 1994 or early 1995.

GO Transit's plans for the station improvements and service changes represent significant changes to the transit service in the Hamilton area, which warrant thorough review by the municipality to ensure that they are well integrated. The relocation of the existing GO train service from the C.N. Station to the GO Transit Centre; the routing of inter-city bus services to the GO Centre; and other impacts such as the connections to local bus services, pedestrian flows and amenities, and related parking facilities, will all have major impacts on the area surrounding the station. Many of these matters are under the jurisdiction of various departments and agencies within the local municipalities. The present study is proposed to review and make recommendations concerning these matters, namely the integration of the GO Transit Centre into the surrounding area.

BACKGROUND:

The Hamilton GO Transportation Centre project has been undertaken primarily by GO Transit and their consultants, with input from the local municipality and the general public during the process. The present study resulted from review undertaken by two citizen-based advisory committees, the Central Area Plan Implementation Committee and the Urban Design Committee. Both of these are sub-committees of the Planning and Development Committee.

In May of 1992, the Central Area Plan Implementation Committee and the Urban Design Committee became aware that the Preliminary Design Report on the Hamilton GO Transportation Centre was being used as the basis for the preparation of final construction and working drawings for the renovation and conversion of the Hunter Street Station. The Urban Design Committee submitted a report to the Planning and Development Committee in July, 1992, requesting the formation of a committee to examine the proposed redevelopment of the Hunter Street Station from the City's perspective.

The Planning and Development Committee directed staff to hold a meeting to discuss the GO Centre proposal with interested parties. Two meetings were held with interested stakeholders, staff and GO Transit. The stakeholders recommended that a citizen-based advisory committee be formed to identify issues pertaining to the GO Centre and the surrounding lands (under the jurisdiction of the City). The formation of the Advisory Committee on GO Transit (as a sub-committee of CAPIC) was recommended to the Planning and Development Committee at their meeting of September 23, 1992, and was adopted.

The Advisory Committee on GO Transit met several times during August, September and October. A public meeting was held on September 23, 1992, which was attended by

approximately two hundred citizens. The Committee's deliberations have produced a document summarizing the issues identified for the GO Transportation Centre and its surrounding environment.

These issues identified by the Advisory Committee were endorsed by CAPIC, at their meeting of October 9, 1992. CAPIC utilized these recommendations to form the basis of their report which was presented to the Planning and Development Committee at its meeting of November 4, 1992. They also recommended that a coordinated study of the area surrounding the GO Centre, including a review of land use, planning policy, urban design, traffic, and the issues identified by the Advisory Committee, be undertaken by a consultant for presentation to City Council. This recommendation was adopted by the Planning and Development Committee.

The Urban Design Committee, which is also a sub-committee of the Planning and Development Committee, established a sub-committee to review the plans for the GO Transit and vicinity, from a design perspective. They presented a report to the Planning and Development Committee in September, 1992, outlining five major concerns with respect to the GO Centre. They presented a further report to the Planning and Development Committee at their meeting of November 4, 1992, identifying recommendations and principles for designing the urban context of the GO Centre. Their report was adopted by the Committee.

The Planning and Development Committee, at their meeting of November 4, 1992, approved the following recommendations of staff:

- That the Planning and Development Department be directed to approach the Province for funding to undertake a consultant study to review the design and land use in the vicinity of the proposed Hamilton GO Centre;
- That the issues identified in the reports of the Central Area Plan Implementation Committee and the Urban Design Committee, concerning the Hamilton GO Centre, be incorporated into the Terms of Reference for the consultant study of the land in the vicinity of the GO Centre;
- That the Chief Administrative Officer for the City of Hamilton be appointed as the Coordinator for the study of the land in the vicinity of the GO Centre.

ISSUES:

1. Land Use

It is the City's intent to integrate both the land use and urban form surrounding the GO Station with the station itself to create a coherent, and attractive environment.

vicinity of the study area must be done in light of the concern expressed by the residents of these two neighbourhoods. The existing parking situation on the residential streets (regulation, use of on-street parking, and resident concerns) must be reviewed and evaluated. Proposed changes to the regulations, if required, must be outlined in the study report.

3. Pedestrian Movement

Travellers using the GO Station will have opportunities to access other transit modes (for example, the Region's HSR Service) as well as broad shopping and cultural activities in the core area of the City of Hamilton. It is expected that there will be substantial pedestrian travel to facilities such as Jackson Square, the Hamilton Eaton Centre, Copps Coliseum, Hamilton Place, the Art Gallery, Copps Coliseum, and Gore Park (the main east-west HSR terminus).

A thorough study of pedestrian movement must be undertaken to identify the main pedestrian routes. Beyond the identification of the routes, the following issues must be addressed in order to enhance pedestrian safety, convenience, and ease of access:

- a) Where are the main crossing points of the arterial roads? What opportunities currently exist (or do not exist) for pedestrian crossing of these roads? How can pedestrian movement be enhanced in terms of safety and ease of access to other facilities?
- b) The main entrance and exit from the GO Station is located at the front of the station in line with Hughson Street South. This is the most logical access for pedestrians to the downtown core. However, there are traffic signals at the intersection of Hunter Street and John Street as well as the intersection of Hunter Street and James Street. No signal for pedestrian crossing currently exists at Hunter Street and Hughson Street. This issue must be addressed as this pedestrian route likely will have significant vehicular traffic volumes.

4. Rail Bridges - James and John Streets

Currently, the Region is seeking provincial funding to reconstruct the rail bridges at James and John Streets. It is anticipated that reconstruction will be completed prior to the opening of the GO Station in December of 1994. Stairways adjacent to the bridges will provide pedestrian access to the bus and train platforms in the GO Station. Issues identified regarding these bridges include the following:

- a) safety of pedestrian movement underneath the bridges and in the stairwells - what elements must be incorporated in order to enhance pedestrian safety from attack and traffic?

A holistic approach to reviewing land use will be required. The study area is within the City's downtown core and land uses are typical of the downtown core area - office buildings, service retail uses (e.g. restaurants, travel agencies), public buildings - the YMCA, the Wentworth County Courthouse. In this regard, the study must identify the appropriate land uses in order to facilitate the integration of land use and urban form. In addition, there is concern from the residents of the adjoining neighbourhoods regarding land speculation. The recommendations and proposals must address the speculation issue and identify mechanisms to protect existing low-density residential communities in both Corktown and Durand neighbourhoods. The consultant will be required to review the existing planning policies and documents in light of the other issues identified in this RFP in order to determine the necessity of any amendments to the relevant planning documents.

In addition, the consultant should identify height, setbacks and siting of buildings in the surrounding area which will enhance both the existing built form and the existing and proposed public spaces.

2. Parking

As an intermodal transportation centre, no parking for commuters using GO Service will be provided by GO Transit. Within the study area, however, there is a proposal by the City's Parking Authority to demolish the existing building at the northeast corner of James Street South and Hunter Street East to construct a mixed commercial and residential building with additional parking for short-term lease by the Parking Authority.

Additionally, there are proposals to redevelop land adjacent to the study area for private parking lots. Currently, the parking lots are permitted land uses within the established zoning.

The study must evaluate the issue of providing parking by answering the following questions:

- a) Should additional parking be provided in the study area or in the vicinity of the study area?
- b) If additional parking is appropriate, the appropriate location(s) for any additional parking lots must be identified. What design controls are needed for these lots?
- c) If additional parking is not appropriate, how can the City regulate this issue?

In concert with the issue of public and private parking lots, there is concern among residents of adjacent neighbourhoods (particularly Corktown and Durand neighbourhoods) that travellers using the GO Station will drive to the station area and park on residential streets. The review of the appropriateness of providing additional parking lots in the

- b) design of the bridges to preclude pigeon roosting (particularly as pedestrians experience an environment with significant amounts of pigeon droppings in these underpasses).
- c) integration of HSR bus stops with access to the station (this is required along James Street and John Street). Particular attention should be paid to safety and wheelchair access. Any design improvements should be discussed with GO Transit.

5. Streetscaping

Both primary and secondary pedestrian accesses are important elements of accessibility to the "GO Centre". In this regard, these pedestrian accesses should be designed to include high quality streetscape element. Streetscape improvements should extend into neighbourhoods which will be most impacted by the "GO Centre's" development.

The following is a list of features/items/elements which could be included in a comprehensive streetscape design:

- | | |
|--------------------------|----------------------|
| • tree planting | • information kiosks |
| • lighting | • newspaper boxes |
| • planters and planting | • mail boxes |
| • seating | • wheelchair ramps |
| • signage | • drinking fountains |
| • bus shelters and stops | • bicycle racks |
| • public telephones | • overhead shelters |

In addition, landscape features (i.e. trees and shrubbery) along arterial roads should be identified.

Design criteria for advertising features (i.e. billboards, signs) should be developed which will enhance the proposed streetscape elements.

6. General Planning Principles

The following principles should be integrated into the plan for the study area.

- a) All access must be barrier free. This includes sidewalks, stairwells, and building access.
- b) Safety, especially for women, children, and the elderly, must be given full consideration for all aspects of the proposal. This includes issues such as, but not limited to, lighting, and stairwell access, proposed planting and landscaping.

- c) Spillover effects into the adjacent low-density residential areas of Corktown and Durand Neighbourhoods must be minimized.
- d) General design criteria for private development and other initiatives (i.e. signage).
- e) The needs of the pedestrian must not be less than the needs of the motorist

METHODOLOGY AND PUBLIC PARTICIPATION:

1. Background Information Review

- Identify jurisdiction of GO Transit, and responsibilities of all relevant municipal departments, regarding GO Station project and infrastructure in surrounding area.
- Review information concerning station project produced by GO Transit and their consultants.
- Review any existing plans or proposals for improvements to municipal infrastructure in area surrounding GO Centre, contained either in capital budgets or in studies under review by departments.
- Review issues identified by the Advisory Committee on GO Transit, a subcommittee of the Central Area Plan Implementation Committee (CAPIC);
- Review recommendations and design principles identified by the Urban Design Committee;
- Review planning documents, such as but not limited to, the Official Plan, including Amendment No. 66, Neighbourhood Plans, Zoning, Central Business District (C.B.D.) Study, Hamilton-Wentworth Regional Bicycle Network Study; and,
- Have regard to other relevant matters as may be identified by staff, and agreed to by the consultant.

2. Coordination of Study

- The Chief Administrative Officer for the City of Hamilton will act as the Coordinator of this study, due to the many issues related to the study which affect several departments, and the importance of the coordination across departments.

- The C.A.O. may, at his discretion, delegate the day-to-day administration of the study to others, such as the Director of Local Planning or his designate, while ensuring the coordination across departments of the study process and outcome.
- A technical advisory committee will be established to facilitate involvement in the study by representatives of affected departments. This committee will include members from Traffic; Transportation and Environmental Services (including the H.S.R.); Planning and Development; Parking Authority; Building; and other relevant Departments, and Committees including representatives of the Physically Disabled Sub-Committee.
- The consultant will act as the liaison between GO Transit and the City.

3. Staff Meetings and Public Participation

Technical Advisory Committee Meetings

- The technical advisory committee meetings will be held throughout the duration of the study, to clarify municipal roles; advise on planned municipal initiatives, and the feasibility of additional municipal actions as they be considered by the consultant.
 - an introductory meeting with the appropriate Committees prior to the commencement of the study;
 - a minimum of four meetings with the Advisory Committee during the preparation of the recommendations and proposals; and,
 - one meeting to present the final recommendations and proposals.
- Public meetings¹ will be held at key junctures of the Study:
 - meetings with CAPIC Urban Design Committees will be held to discuss the proposals and recommendations of the draft report;
 - one public open house followed by an evening presentation to present draft proposals and recommendations.

¹ Submissions will be invited at this time. The Consultant will review the submissions and revise the draft proposals/recommendations.

- one meeting with CAPIC/Urban Design Committees will be held to discuss the proposals and recommendations of the final report;
- one public open house followed by an evening presentation to present final proposals and recommendation;
- a minimum of one meeting of the Planning and Development Committee to present the final proposals and recommendations.
- other techniques for public participation should be suggested by the consultant.

SUMMARY OF TASKS

Develop a Master Plan which will:

- review relevant background information;
- develop an inventory of resources including, but not limited to:
 - zoning requirements;
 - buildings;
 - development potential;
 - urban design attributes;
 - Traffic/H.S.R. patterns;
 - pedestrian patterns;
 - physical infrastructure;
 - other relevant.
- examine the appropriateness of existing policies and land use regulations, development options and recommended revisions.
- develop appropriate design guidelines through the development of options which address but not limited to:
 - heights of building;
 - setbacks;
 - building treatments;
 - treatment of public space (including concept plans for implementation).
- examine and develop recommendations for traffic flows; pedestrian movement, convenience, and safety; and H.S.R. in connection with local staff if appropriate.

- examine opportunities of interface with Hamilton GO Transportation Centre, develop options and make recommendations.
- examine other issues identified in Terms of Reference and develop options and recommendations.

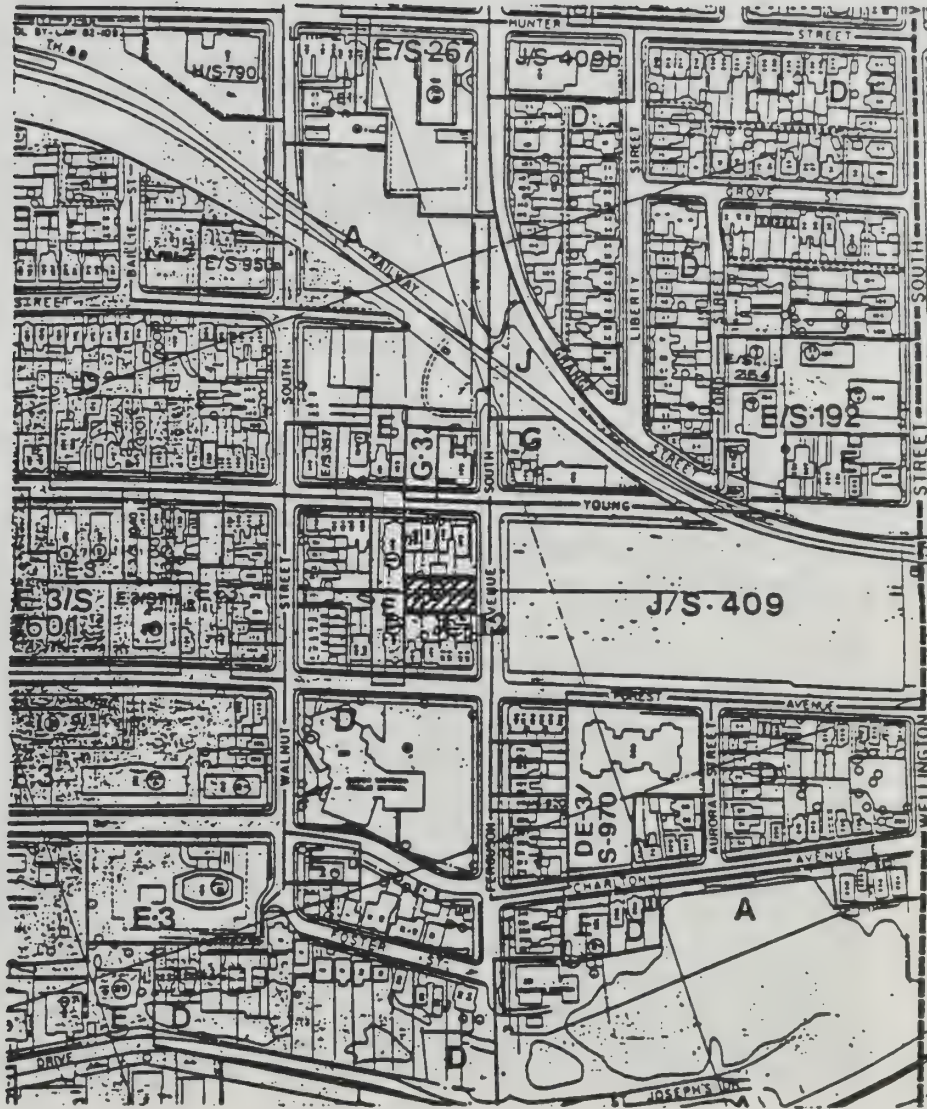
The Master Plan will consist of the following components:

- background information;
- alternatives and analysis;
- a draft document for review and comment; and,
- final recommendations.

TIMING:

The Consultant will have eight months from the signing of the contract to complete the study.

Appendix "E" referred to
in Section 5 of the minutes
of the Planning and Development
Committee held 1992 November 18



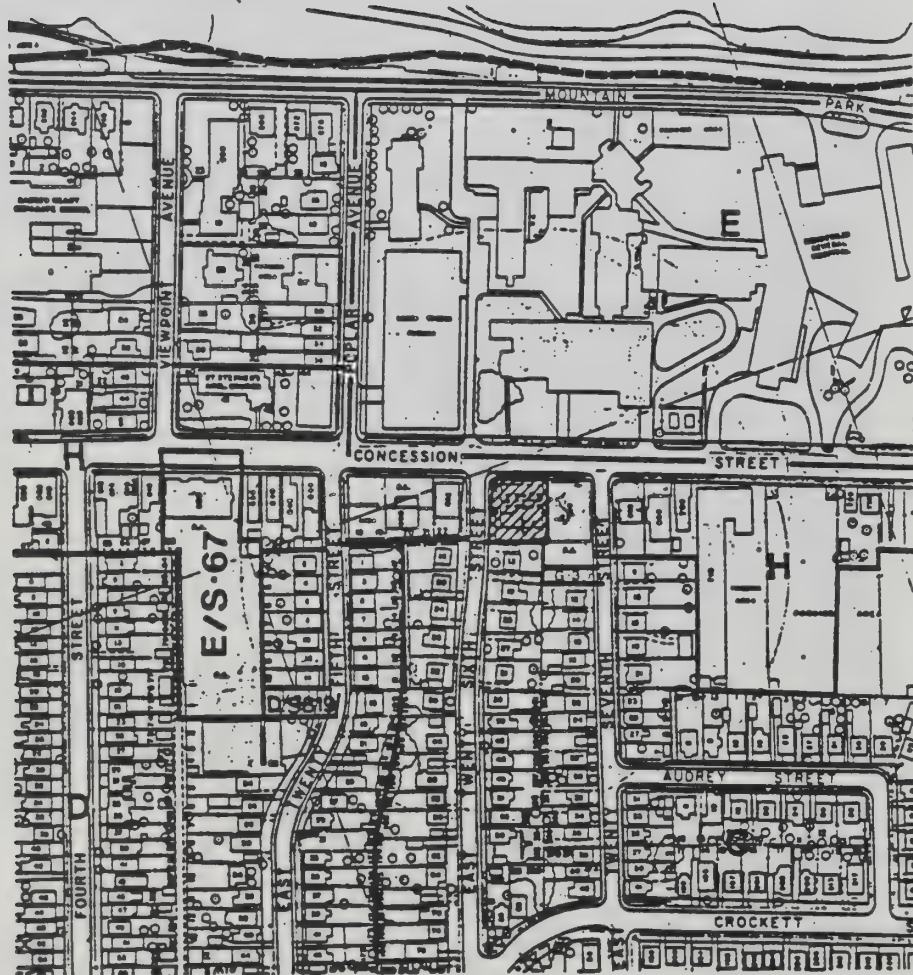
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Site of the Application

▲
ZA-92-31

Appendix "F" referred to
in Section 6 of the minutes
of the Planning and Development
Committee held 1992 November 18



Legend



Site of the Application



2A-92-37

B.

**CITY OF HAMILTON
- RECOMMENDATION -**

RECEIVED

NOV 25 1992

CITY CLERKS

DATE: 1992 November 24

REPORT TO: Ms. T. Agnello
Secretary, Planning and Development Committee

FROM: Mr. D. Lobo
Director of Public Works

SUBJECT: 5th and 6th Annual Business Development Seminars

RECOMMENDATION:

- 1) That the fifth and sixth annual Business Development Seminar be held in partnership with the Regional Municipality of Hamilton-Wentworth Economic Development Department on 1993 October 27 (Wednesday) and 1994 October 27 (Thursday) at the Hamilton Convention Centre.
- 2) That the Region be requested to include the Business Development Seminar in the 1993 marketing plan and the budget deliberation process of the Economic Development Department.
- 3) That future funding for Business Development Seminars be made available in account CF5625428803006.

D. Lobo

D. LOBO
DIRECTOR OF PUBLIC WORKS

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Additional funds are not required as there is a surplus from previous years in the Business Development Seminar Account CF5625428803006.

BACKGROUND:

On October 23, 1989, the City of Hamilton (Public Works Department) held the first Annual Business Development Seminar at the Royal Connaught Hotel in the Downtown Promenade B.I.A.

This one day Seminar provided local business operators with a variety of quality, affordable, convenient training programs as well as an opportunity to network with other businesses, service organizations. A co-ordinating committee comprised of representatives from Hamilton B.I.A.'s, the Federal Business Development Bank, the Economic Development Department, the BAC, Ontario Skills Development, Public Works, the Canadian Club and Ad and Sales Club of Hamilton was established to plan the subsequent seminars.

A unique partnership fostered within our community. The seminar has been a successful yearly event with new partners and sponsors.

Through Phase IV of the Downtown Action Plan, funds were made available to offset the cost of the seminar.

The committee established a 1990 sponsorship program to defer the cost to the city and provide another opportunity for local businesses to participate in the seminar.

The sponsorship program was such a success that the 1991 seminar did not incur any cost to the city other than staff time of the chairperson.

The Business Development Seminar has provided many training opportunities for local business personnel in the Hamilton-Wentworth Region over the past 3 years. Also, many effective partnerships have developed. The Business Development Committee is working towards a self sustaining event sponsored by community business relieving the City from any financial obligation.

	REVENUES	EXPENSES	SURPLUS	ATTENDANCE
1989	\$13,005.00	\$ 9,940.00	\$ 3,065.00	73 lunch 63 full day
1990	16,855.00	14,292.14	2,562.86	150 lunch 85 full day
1991	22,380.00	11,172.21	11,207.21	300 lunch 120 full day
1992	30,582.85	18,945.00	11,637.35	350 lunch 230 full day

RPM/JP/jdh

c.c. Mr. W. M. Carson, Chief Administrative Officer
Mr. R.J. Whynott, Regional Chairman
Mr. S. Galbraith, Manager, Economic Development Department

CITY OF HAMILTON
- RECOMMENDATION -

C (a) (i)
R E

DATE: November 9, 1992

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

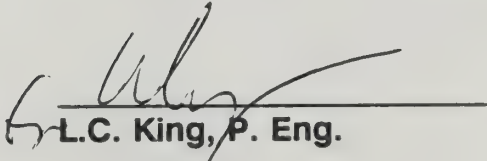
FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
122 PROVINCE STREET NORTH
(92.1.1.A)

CITY CLERKS

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 122 Province Street North.


L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: D (Residential)

PRESENT USE: Single Family Dwelling (Assumed)

PROPOSED USE: Not Specified

BRIEF DESCRIPTION: 2 storey wood frame dwelling

Demolish 2 storey frame dwelling. The Property Department, Real Estate Division, reports major concerns with respect to the structural condition of the house. No LACAC interest. Lot size 15.9' x 100'.

The owner of the property as per the demolition permit is:

The Corporation of the City of Hamilton

CITY OF HAMILTON

C. (a)Xii)

- RECOMMENDATION -

DATE: November 24, 1992

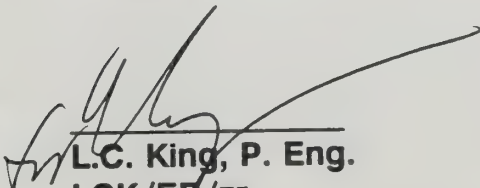
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
829 RYMAL ROAD EAST
(92.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 829 RYMAL ROAD EAST.


L.C. King, P. Eng.
LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "RT-20/S-1287"

PRESENT USE: Single Family Dwelling (Vacant)

PROPOSED USE: Townhouses

BRIEF DESCRIPTION: 1½ storey frame house

Demolish 1½ storey frame house which is in very poor condition. Land is being developed under Site Plan Control. No L.A.C.A.C. interest. Lot is 92.7' x 150'.

The owner of the property as per the demolition permit is:

Mr. Calzonetti
76 Sherman Avenue South
Hamilton, Ontario
L8M 2P7

CITY OF HAMILTON

C. (a) (iii)

- RECOMMENDATION -

DATE: November 24, 1992

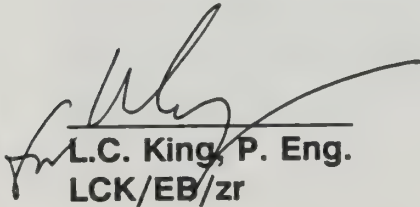
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1512 UPPER GAGE AVENUE - Tag Number 88063
(92.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1512 UPPER GAGE AVENUE.


L.C. King, P. Eng.
LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "L-C/S-401"

PRESENT USE: Single Family Dwelling

PROPOSED USE: Vacant Land

BRIEF DESCRIPTION: One storey wood frame and brick bungalow

Demolish one storey house which is boarded up at the present time. Land will be left vacant until a new zoning is approved. The "L" zones do not permit new construction. No L.A.C.A.C. interest. Lot size is 155' x 183'.

The owner of the property as per the demolition permit is:

Effort Trust
242 Main Street East
Hamilton, Ontario
L8N 1H5

C.C.(b)
RECEIVED

NOV 16 1992

CITY OF HAMILTON

- RECOMMENDATION -

CITY CLERKS

DATE: November 16, 1992.

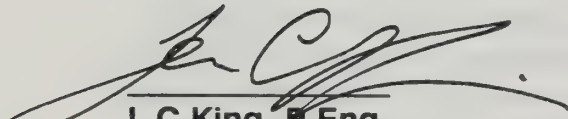
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: DEVELOPMENT OF JOINT PROGRAM WITH THE
MINISTRY OF SOCIAL SERVICES
(92.2.4.2.1.A, BI-92-07)

RECOMMENDATION:

That the Building Department be authorized to enter into an agreement with the Ministry of Social Services respecting the administration of funding for properties owned by their clients as per the requirements of the City's Property Standards By-law.



L.C.King, P.Eng.
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Permit revenue will increase by approximately \$10,000. Administration fees of \$100,000 will be paid by Canada Mortgage and Housing Corporation (C.M.H.C.) to the Building Department based on the finalization of 120 applications per year.

BACKGROUND:

Several months ago the Building Department, Loans Division, received a loan and grant application from a person in receipt of family benefits. During the course of processing the application it became apparent that the Ministry of Community and Social Services had paid over \$2,000 to a contractor for work which was not done. The Department contacted the Ministry on behalf of the owner and was advised that the owner had submitted estimates and that the Ministry had approved the work. The contractor approached the Ministry and assured them that the work was completed. Usually the Ministry would issue a cheque and send it directly to the owner. In this case, a direct payment was made to the contractor. The Ministry did confirm they normally review the estimates, but never inspect to determine need or whether the work has been completed. That decision is left to the client.

The Building Department is now taking action against the contractor, pursuant to the Hamilton-Wentworth Regional Trade License By-law, with the potential that his contractor's license will not be renewed for 1993. We also hope that financial restitution for the incompleting work can be made to the Ministry.

The Loans Division has discussed the problems with the Ministry on several occasions and meetings were arranged to discuss ways to ensure this problem was corrected.

Normally, most of the applicants in receipt of family benefits are not eligible for assistance under the rehabilitation programmes because of their high debt load. The Ministry, however, does have a fund for emergency repairs for clients in receipt of family benefits. It has been agreed that the Ministry, when they receive a request for home repairs, will refer them to the Building Department, Loans Division. The Department will, with the written direction, take an application under the Federal Government's Residential Rehabilitation Assistance Programme. The City will then follow the normal loan procedures including a full inspection of the property under the City's Property Standards By-law. The owner will obtain two estimates and if acceptable a final application will be taken. If the applicant is not eligible under the Federal Programme for the total cost of the work, a letter will be sent to the Ministry outlining the conditions of approval. The Ministry has indicated that in most cases, if not all, they will pick up any additional cost. The Building Department would then monitor the work and request payment from the Ministry. The Ministry, at our direction, will issue payment in the name of the owner and contractor.

This procedure will provide the following benefits:

- Properties of the family benefit clients will be upgraded to meet the requirements of the City's Property Standards By-law rather than on a crisis driven situation.
- Quality of work and price will be competitive.
- No chance of double payment.
- Provide service to those home owners who need assistance the most.
- Utilize programme funds both at Ministry and Federal level.
- Existing properties upgraded within the City.
- Department will receive \$750 per completed application fee from C.M.H.C. (estimated \$100,000 per year).
- Approximately \$10,000 additional revenue in building permit fees.
- Stimulate economy for legitimate, licensed, building contractors.

The Department is presently implementing this Programme on a trial basis with the Ministry of Community and Social Services. Additional staff is not needed at this time due to the low levels of construction presently within the City.

CITY OF HAMILTON
- RECOMMENDATION -

C.C.
RECEIVED

NOV 17 1992

CITY CLERKS

DATE: November 11, 1992.

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: HAMILTON EMERGENCY LOAN PROGRAMME
H.E.L.P. (92.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan Program (H.E.L.P.) in the amount of one thousand, two hundred and nine dollars (\$1,209) be approved for Lillian Danby, 11 Collier Crescent, Hamilton. The interest rate will be 8 per cent amortized over 4 years.



L.C. King, P.Eng.
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant has to qualify for one of the federally or provincially sponsored loan and grant programmes. A maximum loan of \$2,000 could be approved providing the emergency repair fell under one of the following five (5) categories: heating,

electrical, plumbing, roofing or accessibility. The application would be processed within forty-eight (48) hours and would be secured initially by a promissory note and later by a lien registered on title. Formal approval would be obtained upon completion.

The Building Department, Loans Division, recently finalized an Emergency Loan for Mrs. L. Danby, 11 Collier Crescent in the amount of \$1,209. The furnace has been replaced, and the Department recommends approval and authorization to request the Law Department to register a Lien on Title in the amount of \$1,209 at 8% interest and amortized over four (4) years.

c.c. R. Camani, Treasury Department
c.c. D. Powers, Law Department

D.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 November 24

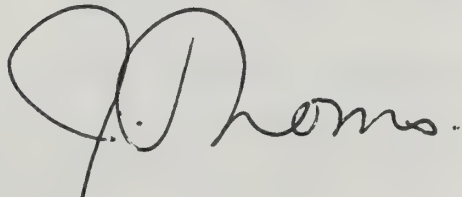
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

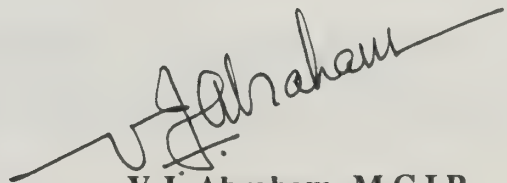
SUBJECT: 1993 Work Program - Local Planning Branch of the
Planning and Development Department

RECOMMENDATION:

That the Planning and Development Committee endorse the 1993 Work Program of the Local Planning Branch of the Planning and Development Department.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The 1993 Work Program includes two groups: the Planning Section comprised of the Policy and Neighbourhood Planning Division and the Development and Urban Design Division and the Heritage Planning Group.

The 1993 Work Program (Planning Section) is divided into four Sections :

- projects that are required or legislated (i.e. OMB Hearings, Zoning Applications, Official Plan Amendments;
- Priority "A" projects have been given the highest priority (i.e. Special Purpose Committees, on-going projects from 1992, etc.);
- Priority "B" projects would be completed once the Priority "A" projects are completed (i.e. additional Neighbourhood Plan reviews, Housing Monitoring study, etc.) and if appropriate staff time is available; and,
- Priority "C" projects are identified for completion in the longer term.

The Work Program for the Heritage Planning Group is divided into three Sections:

- projects that are required or legislated (i.e. Heritage Conservation Districts, Designations, etc.);
- Priority "A" projects have been given the highest priority (i.e. Special Purpose Committees, Inventory of architecturally and historically significant buildings, etc.); and,
- Priority "B" projects are identified for completion in the longer term.

The number of projects is based on the existing staff complement of 16 planners and 3 heritage planners. Any change in this complement will require a reassessment of the projects to be undertaken in 1993. Alternatively, any additional projects will require either additional staff or a change in work priorities.

The Work Program is submitted to members of the Planning and Development Committee under separate cover.

2.

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

DATE: 1992 November 24

NOV 25 1992

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

CITY CLERKS

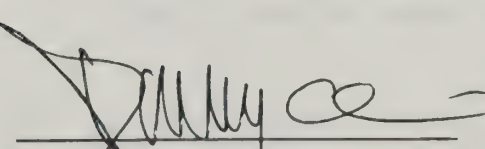
FROM: D. W. Vyce
Director of Property

V.J. Abraham, M.C.I.P.
Director, Local Planning Division
Planning and Development Department

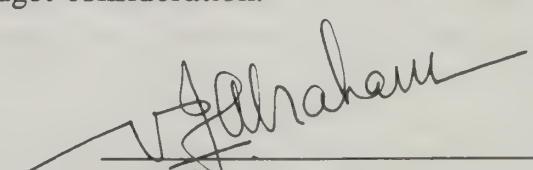
SUBJECT: Purchase of Lands in the
Alpha Residential Enclave

RECOMMENDATION:

- a) That Item 1(b)(ii) of the 12th Report of the Planning and Development Committee, approved by City Council on June 30, 1992, be deleted in its entirety, and replaced with the following:
- "the acquisition program for Alpha East (east of Sherman Avenue North), which was put on hold in December 1989, be resumed for the approximately 11 residential properties remaining, on a willing seller/willing buyer basis with no expropriation contemplated, when funding is available".
- b) That the City Treasurer be directed to close Capital Budget Account No. 308750001 (Land Acquisition Enclave Clearance Program) upon completion of the acquisition and assembly of lands in the Alpha West Residential Enclave with any excess funds remaining to be transferred to its original source of funding.
- c) That a new project submission form, along with the appropriate cost be submitted to the Capital Budget Sub-Committee by the Planning Department as a new project for the 1993-2002 Provisional Capital Budget consideration.



D. W. Vyce
Director of Property



V. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

See above recommendation.

BACKGROUND:

On June 30, 1992, City Council adopted Item 1 of the 12th Report of the Planning and Development Committee approving the acquisition of the remaining residential properties in the Alpha East Enclave area on a willing seller/willing buyer basis with no expropriation contemplated, as follows:

- (b) (ii) "the acquisition program for Alpha East (east of Sherman Avenue North), which was put on hold in December 1989, be resumed for the approximately 11 residential properties remaining, on a willing seller/willing buyer basis with no expropriation contemplated. Funds will be utilized from the existing Capital Budget (Account No. 308750001), as well as the funds realized from the sale of lands in Alpha West".

It has always been the understanding of both the Planning and Real Estate Departments that funds realized from the sale of Enclave lands could be used to purchase further properties, in the form of a revolving account, similar to previous clearance programs. However, a resolution adopted by Council in 1987 earmarked these resale proceeds as one of the components that made up the original Capital Budget allocation of \$3,000,000 for the Alpha Enclave Clearance Program, which cannot be exceeded without Ontario Municipal Board approval. Therefore, the funds from the sale of the assembled lands currently cannot be utilized to purchase lands in Alpha East.

Of the original \$3,000,000, it is estimated that approximately \$320,000 will be remaining in the enclave clearance program account following completion of the purchases in Alpha West.

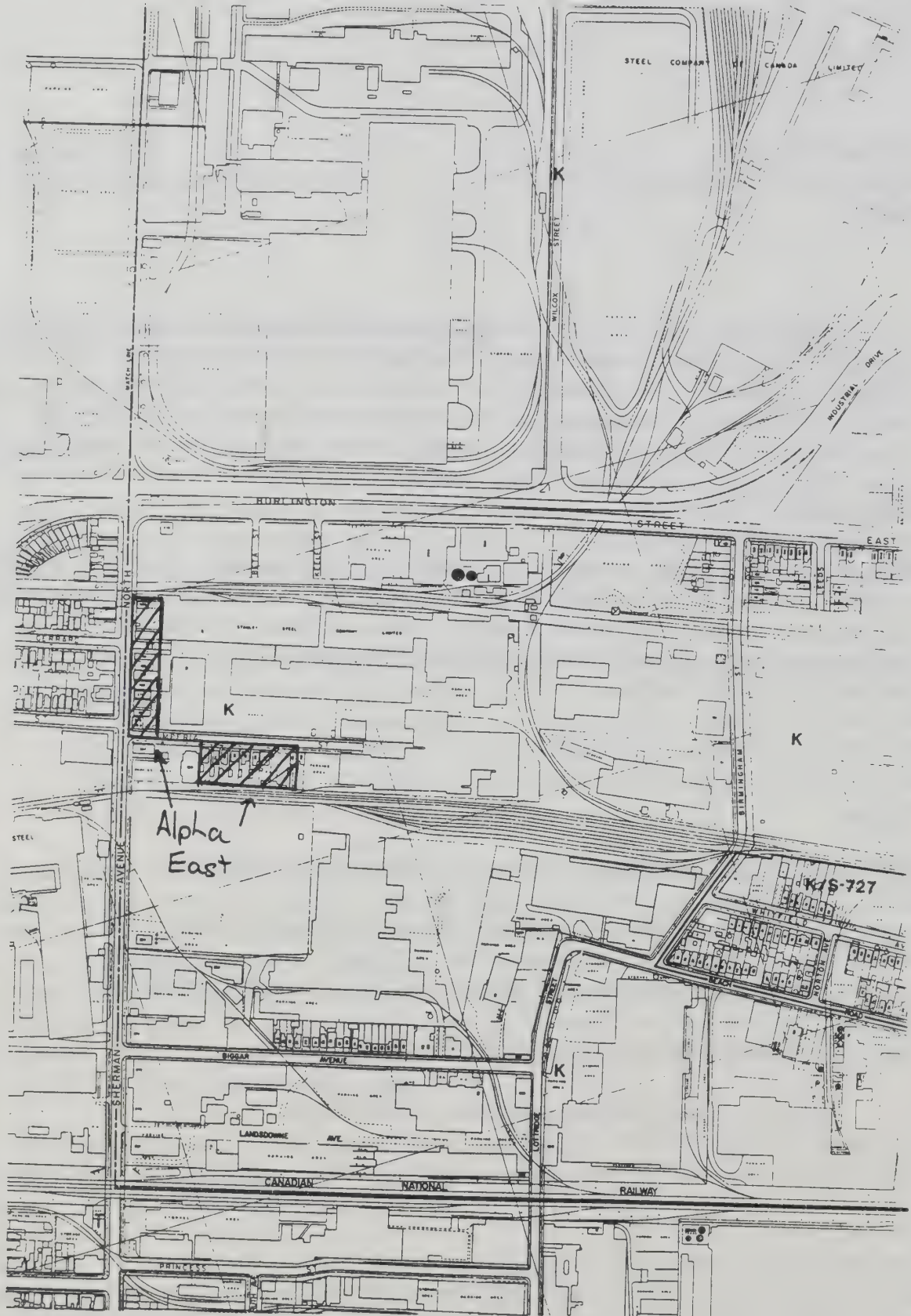
In light of the fact that many of the residents have contacted the Real Estate Department expressing an interest in selling their property to the City, it would be preferable to have sufficient funding to complete the purchase of all the properties available at the one time. However, with only the estimated \$320,000 remaining in the clearance program account and with no funding to be made available from the sale of the industrial lands in Alpha West, it has become apparent that only 2 or 3 of the eleven (11) residential properties could be purchased at this time which may appear misleading to these residents affected.

As a result of the shortfall in the funding, it was felt that purchasing any further properties in Alpha East should be suspended until funding issues have been resolved. Meetings were held with members of the Planning, Treasury and Real Estate Departments to attempt to rectify this problem. Subsequent to a recommendation forwarded to the Capital Budget Sub-Committee requesting additional funding for the purchase of the properties in Alpha East, the Property Department has prepared this report jointly with the Planning Department.

With a view to proceeding with City Council's original intent to purchase the remaining residential properties in Alpha East, the Planning Department has forwarded to the Capital Budget Sub-Committee a project submission form, together with the appropriate cost as a new project for consideration in the 1993-2002 Provisional Capital Budget.

KN/nw

c.c. Alderman T. Jackson, Alderman, Ward 6, Aldermen's Office
Alderman D. Drury, Alderman, Ward 3, Aldermen's Office
Alderman Bernie Morelli, Alderman, Ward 3, Aldermen's Office
P. Noé Johnson, City Solicitor, Law Department
Allan C. Ross, Treasurer, Treasury Department

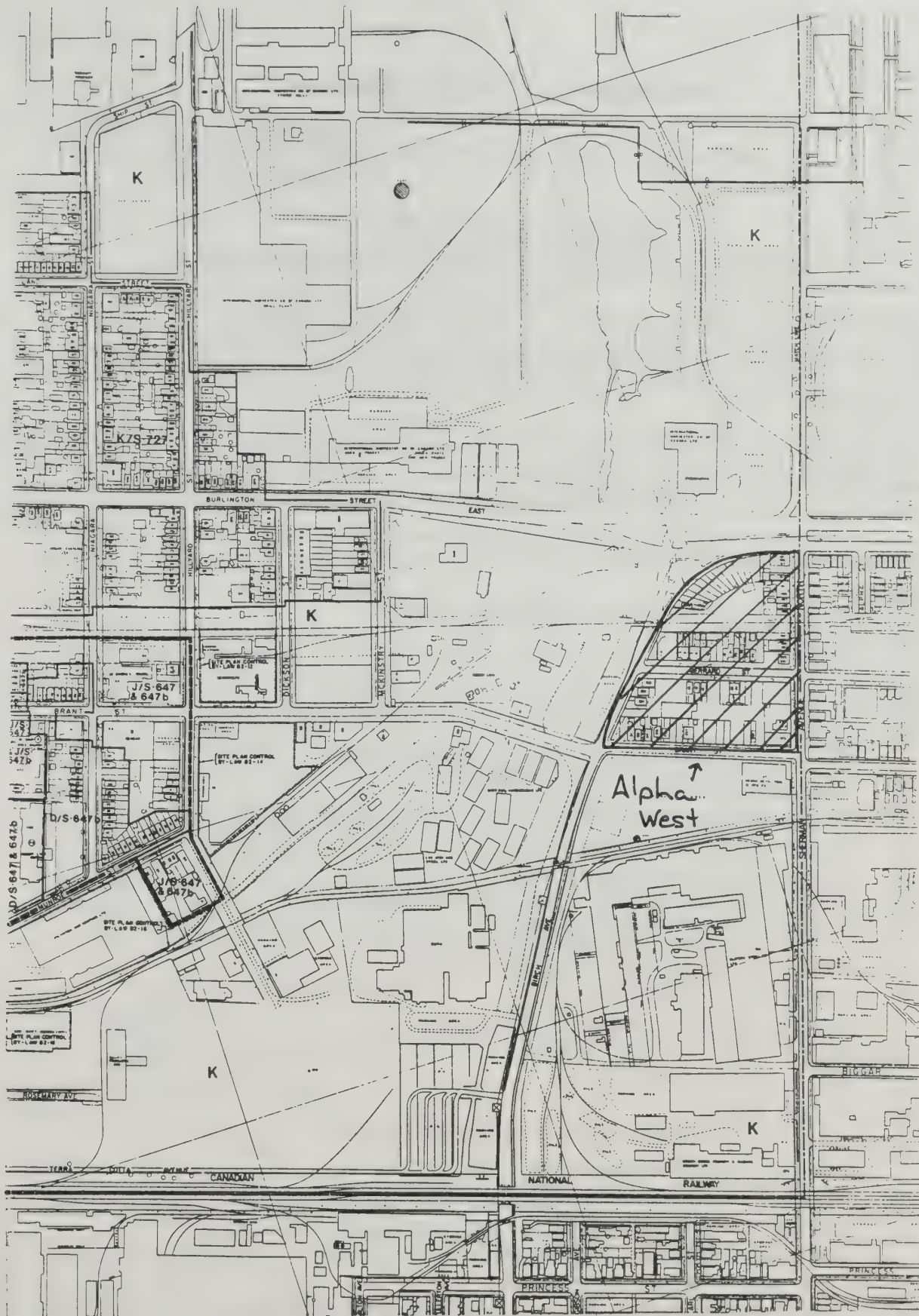



	81	80
70	71	72
48	126	35

This is not a Legal Document
For Zoning Verification Please
Contact City Building Department.

Neighbourhood Boundary
Zoning Boundary

Prepared for The City of Hamilton
by the Planning and Development Department
of The Regional Municipality of Hamilton Wentworth



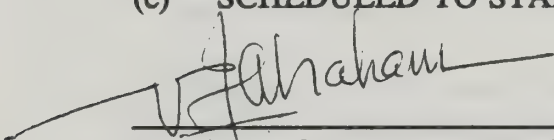
<table border="1"> <tr> <td></td> <td></td> <td>81</td> </tr> <tr> <td>69</td> <td>70</td> <td>71</td> </tr> <tr> <td>95</td> <td>48</td> <td>126</td> </tr> </table>			81	69	70	71	95	48	126	<p>CITY OF HAMILTON</p> <p>INDUSTRIAL SECTOR</p> <p>'B' AND KEITH</p> <p>ZONING</p>
		81								
69	70	71								
95	48	126								
<p><small>This is not a Legal Document For Zoning Verification Please Contact City Building Department.</small></p>	<p>0 100m SCALE 50m</p> <p> NORTH</p>									
<p>Neighbourhood Boundary Zoning Boundary</p> <p>Prepared for The City of Hamilton by the Planning and Development Department of The Regional Municipality of Hamilton Wentworth</p>	<p>PLANNING UNIT NO. 6202 6212</p> <p>JUNE 1988</p> <p>PAGE NO. 70</p>									

The Corporation of the City of Hamilton

PROJECT NUMBER 178.0
(Treasury to complete)

**1993-2002 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM**

1. DEPARTMENT/LOCAL BOARD: Planning and Development
2. PROJECT NAME: Property Acquisition Program - Alpha East Enclave
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
Removal of 13 residential properties in Alpha East Enclave (Sherman Avenue and Imperial Street). Acquired land to be sold to industry. This is a revised cost estimate for the existing acquisition program.
4. DEPARTMENTAL PRIORITY ORDER: 1
5. NATURE OF PROJECT:
 - (a) MAINTENANCE OF AN EXISTING PROJECT X
 - (b) HARD SERVICE _____
 - (c) SOFT SERVICE _____
6. PROJECT JUSTIFICATION:
 - (a) STRATEGIC DIRECTION
(Image of the City, Quality of Life, Transportation) X
 - (b) HEALTH/SAFETY/ENVIRONMENT X
 - (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT _____
 - (d) NEEDS ANALYSIS (Demand, Equitable, Cost / Benefit) _____
 - (e) ECONOMIC DEVELOPMENT _____
 - (f) PRODUCE JOBS IN THE PRIVATE SECTOR _____
 - (g) MAINTAIN EXISTING SERVICE
(Roads, Buildings, Other basic infrastructure) _____
 - (h) REDUCE ONGOING COST
(Staffing and/or resource requirements) _____
7. FEASIBILITY STUDY:
 - (a) DATE (MONTH-YEAR): _____
 - (b) GROSS COST \$ _____
8. (a) PROJECT STARTING DATE (MONTH-YEAR)
(Year of O.M.B. approval): 1993
- (b) PROJECT FINISHING DATE (MONTH-YEAR): _____
9. (a) GROSS COST OF PROJECT
IN YEAR-OF-START DOLLARS: \$ 1,300,000.00
- (b) LESS PROVINCIAL SUBSIDIES: \$ _____
- (c) LESS OTHER RECEIPTS (Specify): Recovery from sale \$ 155,000.00
- (d) NET CITY'S COST: of lands. \$ 1,145,000.00
10. (a) YEAR OF EXPENDITURE:
 - 1993 \$ 1,300,000.00
 - 1994 \$ _____
 - 1995 \$ _____
 - 1996 \$ _____
 - 1997 \$ _____
 - 1998 \$ _____
 - 1999 \$ _____
 - 2000 \$ _____
 - 2001 \$ _____
 - 2002 \$ _____

11. ESTIMATE PREPARED BY:
 (a) PROPERTY DEPARTMENT - ARCHITECT DIVISION
 No X Yes
 (b) If no, the basis of assumptions _____
12. ADDITIONAL JOBS TO BE CREATED BY PROJECT:
 (a) WITHIN THE CITY DEPARTMENTS _____
 (b) IN THE COMMUNITY _____
13. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:
 (a) FIRST YEAR - DATE (MONTH-YEAR) _____
 (b) GROSS COST (All Inclusive) \$ _____
 (c) LESS RECOVERY/REVENUE \$ _____
 (d) NET CITY'S COST \$ _____
 (e) FOLLOWING YEAR - DATE (MONTH-YEAR) _____
 (f) GROSS COST (All Inclusive) \$ _____
 (g) LESS RECOVERY/REVENUE \$ _____
 (h) NET CITY'S COST \$ _____
14. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:
The existing acquisition funds will only purchase a few of the 13 properties.
Elimination of the project will leave several properties unpurchased,
further eroding the quality of life for existing residents.
15. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?
 No X Yes ; If yes,
 (a) PROJECT NO. (1992-2001 Capital Budget) _____
 (b) AT CITY'S COST OF \$ _____
 (c) SCHEDULED TO START IN THE YEAR _____
- 

*Signature of Department Head/
 Local Board Manager*
- _____
 Date
- _____
Signature of C.A.O
- _____
 Date
16. FUNDING (Treasury Department To Complete):
 (a) NATURE OF PROPOSED FINANCING: _____
 (b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:
 Yes No
 (c) IF DEBENTURE FINANCING:
 (i) ANNUAL DEBENTURE FINANCING COST: \$ _____
 (ii) TOTAL CARRYING COST OF RETIRING DEBT: \$ _____

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architect Division, Property Department.

3.

CITY OF HAMILTON RECEIVED
- RECOMMENDATION - NOV 23 1

CITY CLERKS

DATE: 1992 November 19

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for changes in zoning - rear of No. 614 Stone
Church Road East.

RECOMMENDATION:

That approval be given to Zoning Application 92-38, Allan T. McGuirl and Florrie McGuirl, owners, requesting a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District (Block "1"), and from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District (Block "2"), to permit the development of the subject lands for small lot single-family dwellings, for property located at the rear of No. 614 Stone Church Road East, shown as Blocks "1" and "2" on the attached map marked as Appendix "A", on the following basis:

- i) That Block "1" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;
- ii) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27C for presentation to City Council;
- iv) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

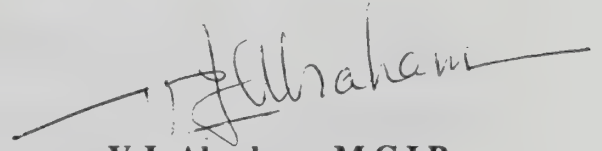
EXPLANATORY NOTE:

The purpose of the By-law is to provide for changes in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District (Block "1"), and from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District (Block "2"), for property located at the rear of No. 614 Stone Church Road East, as shown on the attached map marked as Appendix "A".

The effect of the By-law is to permit the development of the subject lands for small lot single-family dwellings.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS

N/A

BACKGROUND:

- Proposal

It is the applicant's intention to sever-off the rear portion of their holding Blocks "1" and "2" (see Appendix "A") and rezone the lands to "R-4" for the purpose of permitting small lot single-family dwellings.

- Land Severance Application

On August 4, 1992, the Regional Land Division Committee approved land severance application H-70-92 to convey a parcel of land measuring 20.12 ft. x 15.44 ft. from the rear part of the subject lands to be added to an adjoining lot fronting onto Acadia Drive for residential purposes, and to retain the balance of the holding having 90.15 ft. of frontage on Stone Church Road East and a lot area of 19,588 sq. ft. for residential purposes (see Appendix "B").

Approval of the application by the Regional Land Division Committee was conditional upon the following:

- "1. Satisfy All relevant requirements of the City of Hamilton, including the necessary rezoning.
2. Enter into Modified Servicing Agreements with the City/Region, to the satisfaction of the Regional Roads Department.
3. Lift the one-foot reserve adjacent to Acadia Drive, and pay all outstanding servicing costs to the City/Region, to the satisfaction of the Regional Roads Department."

The purpose of this application is to satisfy condition 1 (rezoning).

APPLICANT:

Allan T. McGuirl and Florrie McGuirl, owners.

LOT SIZE AND AREA:

- 33.53 m (110.0 ft.) of lot width;
- 29.9 m (98.4 ft.) of lot depth; and,
- 868.70 m² (9,351.0 sq. ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing land use</u>	<u>Existing zoning</u>
<u>Subject lands</u>	vacant	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
<u>Surrounding lands</u>		
to the north	single-family dwelling	"C" (Urban Protected Residential, etc.) District
to the south east and west	vacant	"R-4" (Small Lot Single-Family Detached) District

OFFICIAL PLAN:

The subject lands are designated **RESIDENTIAL** on Schedule A - Land Use Concept of the Official Plan. The following policies, among others, would apply:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.
- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.
- C.7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:
- iii) Encourage RESIDENTIAL development that provides a range of types and tenure to satisfy the needs of the residents at densities and scales compatible with the established development pattern."

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "SINGLE and DOUBLE RESIDENTIAL" on the approved Butler Neighbourhood Plan. The proposal complies with the intent of the approved Plan.

COMMENTS RECEIVED:

- The Building Department, Traffic Department and the Hamilton Region Conservation Authority have no comments or objections.
- The Roads Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

We have reviewed the above-noted application and provide the following comments with respect to Transportation aspects.

- 1) The City of Hamilton previously acquired Parts 1, 2, 3 and 4 of Reference Plan 62R-11838 by Instrument No. 124517 for the establishment of Acadia Drive. The City will initiate the necessary action to have lands adjacent to lands to be severed on land severance application H-70-92 established as a public highway. A reference plan is being prepared to specifically identify the extent of lands to

be incorporated into the road at this time.

- 2) These lands are also included in Land Severance Application H-70-92. We understand that the lands to be retained are one holding and that the applicant does not intend to develop these lands at this time. We have no objection to this rezoning application but caution the owner that at such time as the lands to be rezoned, developed or are severed from the Stone Church Road frontage, we will require that the applicant/owner enter into an appropriate agreement with the City/Region for the lifting of the one foot reserve adjacent to Acadia Drive and payment to the City/Region for all outstanding servicing costs.
- 3) The designated road allowance width of Stone Church Road is 30.48m (100 ft.). In accordance with this designation, the applicant should be advised of a future road allowance widening on Stone Church Road to establish the property line 15.24 m from the centreline of the original Stone Church Road road allowance.
- 4) We have prepared preliminary functional design plans for the widening and reconstruction of this section of Stone Church Road and the applicant may wish to discuss these matters further with our staff."

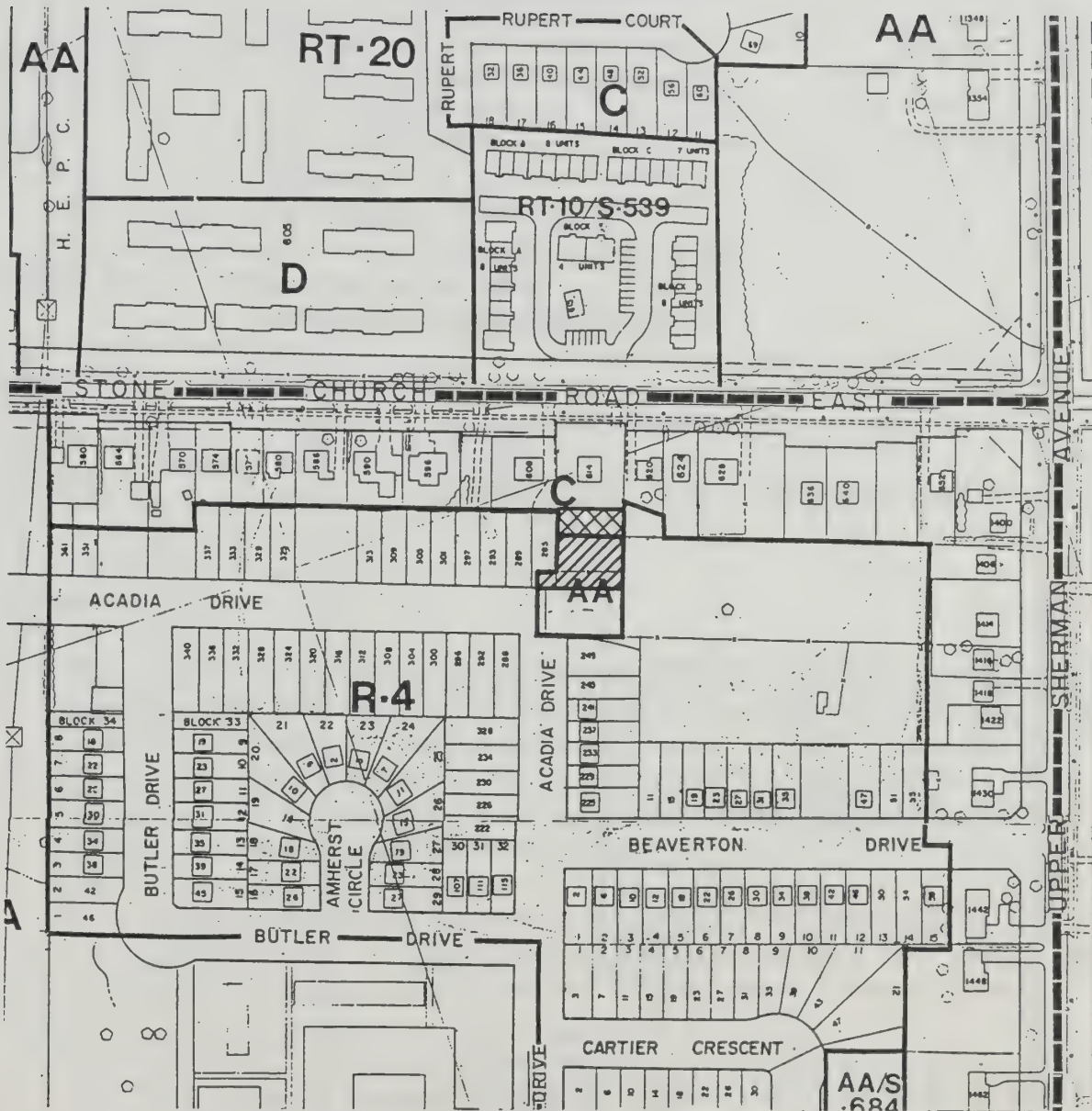
COMMENTS:

1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the intent of the approved Butler Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
 - it complies with the intent of both the Official Plan and the approved Butler Neighbourhood Plan which designate the lands "RESIDENTIAL" and "SINGLE and DOUBLE RESIDENTIAL" respectively;
 - it would be compatible with existing and future planned development in this area;
 - it will establish uniform "R-4" (Small Lot Single-Family Detached) District zoning for properties fronting onto this portion of Acadia Drive;
 - it implements the condition of approval of the land severance application by the Regional Land Division Committee requiring the rezoning of the subject lands.
4. For the information of the Planning and Development Committee, matters concerning the the lifting of the one foot reserve and the payment to the City/Region for all outstanding servicing costs can be dealt with through modified subdivision agreements as a condition of land severance approval.



CONCLUSION:

On the basis of the foregoing, the application can be supported.

GAW/ma
WPZA9238



Legend

- Proposed changes in zoning:
- BLOCK 1  From "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District.
- BLOCK 2  From "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District.

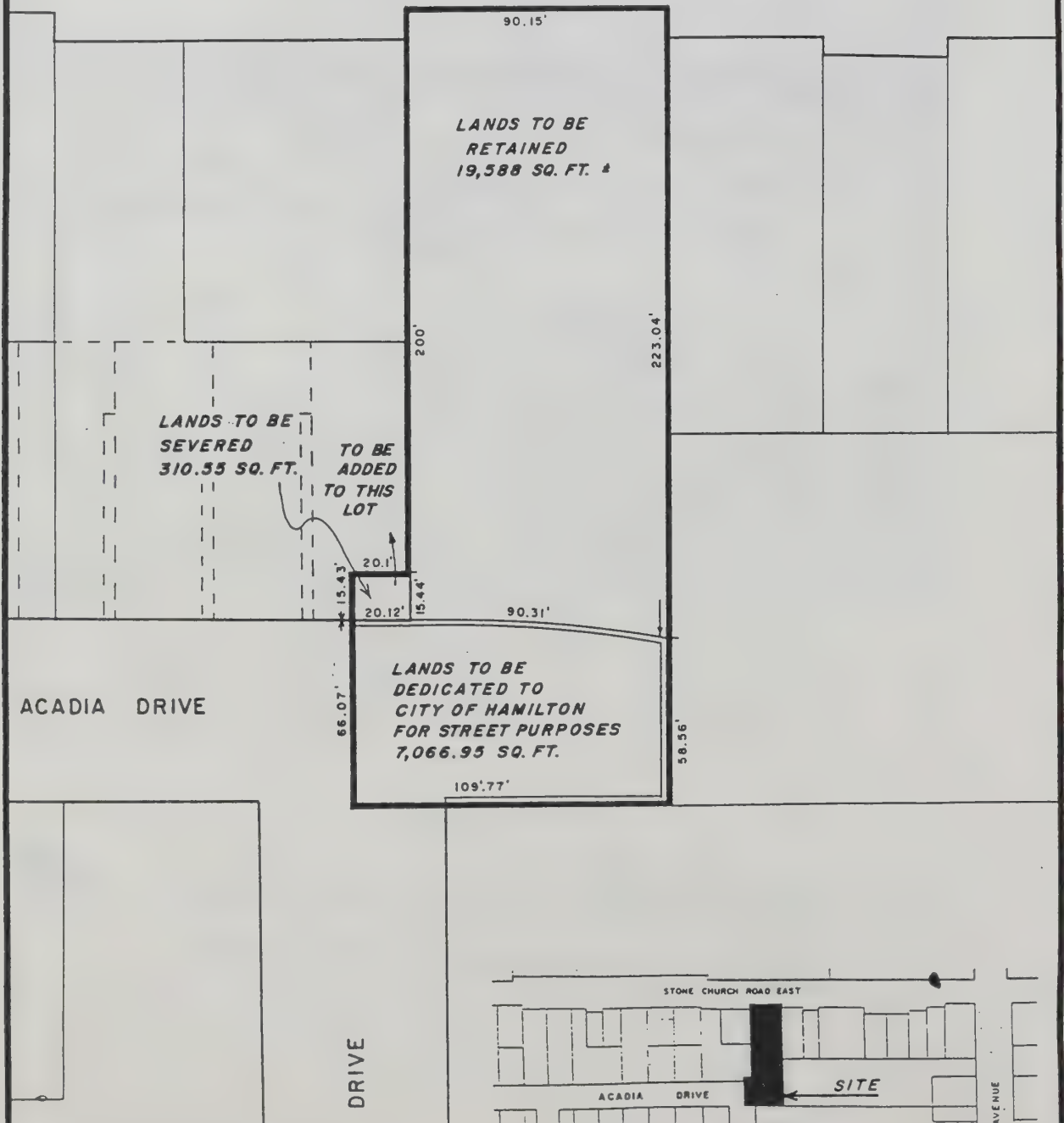


Z A-92-38

FILE NO: H-70-92
DATE: JULY 6, 1992
SCALE: NOT TO SCALE

PLAN SHOWING
PART OF LOT 9 - CON. 8
FORMERLY IN THE TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON

STONE CHURCH ROAD EAST



4.

CITY OF HAMILTON
- RECOMMENDATION -

REC - - - -

NOV 23 1992

CITY CLERKS

DATE: 1992 November 19
ZA-92-39
Beasley Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a change in zoning - 150 Catharine Street North.

RECOMMENDATION:

- A. That approval be given to Zoning Application 92-39, Pane Del Sole Bakery (Mr. Gaetano Lattuca), owner, for a change in zoning from "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District to "G-3" (Public Parking Lots) District, to permit a parking lot at No. 150 Catharine Street North, to be used in conjunction with an adjoining bakery use located at No. 104 Cannon Street East, as shown on the attached map marked as Appendix "A", on the following basis:
- i) That the subject lands be rezoned from "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District to "G-3" (Public Parking Lots) District;
 - ii) That the "G-3" (Public Parking Lots) District regulations as contained in Section 13C of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - 1) That notwithstanding Section 13C(3) of Zoning By-Law No. 6593, the following requirements shall apply to the subject lands:
 - a) That a landscape planting strip having a minimum width of 1.5 m shall be provided and maintained along the northerly lot line, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained within the landscape planting strip, except for any area used for vehicular access;

- b) That a landscape planting strip having a minimum width of 1.5 m, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the southerly lot line;
 - c) That a landscape planting strip having a minimum width of 2.4 m shall be provided and maintained along the westerly lot line, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained within the landscape planting strip;
 - iii) That the amending By-law be added to Section 19B of Zoning By-Law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-4 be notated S- ;
 - iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-4 for presentation to City Council;
 - v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- B. That the amending By-law not be forwarded for passage by City Council until such time as the owner applies for and receives site plan approval.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District to "G-3" (Public Parking Lots) District, for the property located at No. 150 Catharine Street North, as shown on the attached map marked as Appendix "A".

The effect of the By-law is to permit the establishment of a parking lot to be used in conjunction with a bakery business located at No. 104 Cannon Street East.

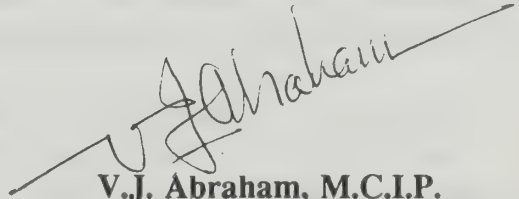
In addition, the By-law provides for the following variances as special requirements:

- That a landscape planting strip having a minimum width of 1.5 m shall be provided and maintained along the northerly lot line, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained within the landscape planting strip, except for any area used for vehicular access;

- That a landscape planting strip having a minimum width of 1.5 m, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the southerly lot line;
- That a landscape planting strip having a minimum width of 2.4 m shall be provided and maintained along the westerly lot line, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained within the landscape planting strip;



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The purpose of the proposed change in zoning is to permit a parking lot on the subject lands to be used in conjunction with a bakery business located at No. 104 Cannon Street East. In this regard, the applicant has submitted a preliminary plan showing the parking layout (see Appendix "B") which provides for a total of six parking spaces.

- Demolition Permit

On August 20, 1991, the Building Department issued a Demolition Permit (see Appendix "C") for the demolition of the existing single-family dwelling. At the time the demolition permit was issued the applicant stated that the intended use of the property was to be "vacant land". This was confirmed in a follow-up letter from the Building Department to the applicant (see Appendix "D").

- Order to Comply

On June 19, 1992, the Building Department issued an Order to Comply to the current owner/applicant (see Appendix "E") advising that the use of the property for a parking lot was not permitted. This rezoning application was filed as a result of this action.

APPLICANT:

Pane Del Sole Bakery (Mr. Gaetano Luttuca), owner.

LOT SIZE AND AREA:

- 8.07 m (26.5 ft.) of lot frontage on Catharine Street North;
- 21.9 m (72.0 ft.) of lot flankage on Cannon Street East; and,
- 177.25 m² (1,908.0 sq.ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing land use</u>	<u>Existing Zoning</u>
<u>Subject lands</u>	vacant	"D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District
<u>Surrounding Lands</u>		
to the north	converted dwellings containing residential /commercial uses	"D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District
to the south	single-family dwellings	"D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District
to the east	bakery	"L - mr - 2" (Planned Development- Multiple Residential) District
to the west	single-family dwellings	"D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District

OFFICIAL PLAN:

The subject lands are designated CENTRAL POLICY AREA on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

"A.2.8.1 To promote the CENTRAL POLICY AREA as a multi-use node for both the City and the Region, a wide range of uses will be permitted where compatibility among adjacent uses can be achieved. The primary uses permitted in the CENTRAL POLICY AREA, as shown on Schedule "A", will be for the following uses:

- i) Commercial Uses such as, but not limited to, retail department stores; food, specialty and general merchandising establishments; personal services; head and branch offices and public administration offices; hotels; mixed commercial and residential uses; and in keeping with the Commercial policies set out in Subsection A.2.2 of this Plan;

A.2.2.34 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:

- i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;
- ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses; and,
- iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses."

In addition, the policies of Subsection B.3.3 - Public and Private Parking should be noted:

"B.3.3.5 Council will require, as a condition of development or redevelopment, that ingress and egress points of PARKING areas will be limited in number and designed to acceptable standards for traffic safety. Council will further encourage the sharing of access points by similar adjoining land uses, where practicable, to minimize traffic hazards on Major Roads.

B.3.3.6 Where necessary and feasible, off street PARKING, driveways and/or loading areas adjacent to Residential Uses will be suitably screened or buffered through

the use of fences, berms or other appropriate landscape treatment. All PARKING areas will be suitably surfaced to resist degradation from the elements or use and, where deemed appropriate, be illuminated to facilitate and ensure the safety and convenience of pedestrian or vehicular access to the land use served thereby."

Although not approved, it should be noted that the subject lands are designated "Neighbourhood Residential" on Schedule A-1 - Central Area Land Use Strategy to Official Plan Amendment No. 66. Accordingly, the following policies of Subsections A.4.4 - "Neighbourhood Residential" and A.4.9.3 - "Streetscape" should be noted:

"A.4.4.2 Local Commercial Uses will be permitted at a scale and type compatible with the residential uses. The location of uses will be addressed in detail in Council adopted Neighbourhood Plans.

A.4.9.3.5 Wherever feasible, parking lots will be buffered and/or landscaped, so as not to adversely intrude upon the public view while maintaining safety standards."

The proposal complies with the Official Plan provided policies A.2.2.34 i), ii) and iii), B.3.3.5, B.3.3.6, A.4.4.2 and A.4.9.3.5 are met.

NEIGHBOURHOOD PLAN:

The subject lands are designated "SINGLE and DOUBLE RESIDENTIAL" on the approved Beasley Neighbourhood Plan. The proposal does not comply. With regard to possible redesignation, this matter will be dealt with in the Central/Beasley Neighbourhood Plan Review, currently in progress.

COMMENTS RECEIVED:

- The Building Department has advised that:
 - "1. An Order to Comply dated June 19, 1992 regarding the use of the property for a parking lot remains outstanding.
 2. A side yard of 1.5m is required along the south property line. This side yard shall be fully landscaped with a planting strip.
 3. A front yard of 6.0m is required.
 4. A visual barrier is required along the southerly side yard except that portion less than 3.0m from the front lot line.
 5. The access driveway shall be at least 5.5m in width.

6. The parking area shall be paved with asphalt or concrete and graded to ensure that surface water shall not escape to neighbouring lands.
7. If the surface of the parking area is more than 0.1m higher or lower than any adjoining land, then a suitable retaining wall shall be constructed."

- The Traffic Department has advised that:

"..we have reviewed the above application and find the request to rezone the lands to "G-3" (Public Parking Lots) to be satisfactory. However, it is our understanding that the Roads Department has requested the dedication of ten feet of land on Cannon Street for the purpose of road widening. Also, the Planning Department may request that landscape strips be provided along the property lines. As a result, the proposed parking lot use may not be feasible given the reduced dimensions of the property. We recommend that before the application is considered for approval, the applicant be required to show how the proposed parking will be accommodated on-site with the 10 foot land dedication and the landscape strips. Furthermore, if the applicant intends to use a portion of the City boulevard as part of the parking lot, the applicant should be advised to contact the Traffic Department and apply for a commercial boulevard parking agreement."

- The Hamilton-Wentworth - Roads Department has advised that:

- "1) The designated road allowance width of Cannon Street is 26.21m (86 ft.). In accordance with this designation, Survey Plan P813A (copy attached) was prepared outlining the lands to be acquired for the widening of Cannon Street. The road widening adjacent to the subject lands is approximately 3.075m (10.09 ft.) in width. According to our information, the existing building at No. 150 Catharine Street North has been removed and cars are presently parking in this area.

It is our opinion that this is not a redevelopment of these lands warranting the road widening dedication of lands shown on Survey Plan P813(A) to the Region at this time. We also understand that the requested G-3 zoning does not permit the construction of any structures on the subject lands. As a result, the approval of this rezoning application, as circulated, will not physically encumber the ability of the Region to acquire these lands at some future date without the applicant/owner applying for modifications to the G-3 zoning.

- 2) The applicant should be made aware that parking areas with surface areas over 500 square metres must be drained by catch basins.
- 3) We recommend that these lands be developed through site plan control at which time we will provide more detailed comments.

- 4) Comments from the Traffic Department with respect to access etc. should be considered. Any change in access or new access to Cannon Street or Catharine Street requires an Approach Approval Permit from the City of Hamilton Traffic Department."

- The Hamilton Region Conservation Authority and GO Transit have no comments or objections.

COMMENTS:

1. The proposal is not considered to conflict with the intent of the Official Plan, in that the property is located within the "Central Policy Area" of the City where mixed use development is encouraged, provided compatibility among uses, can be achieved.
2. Although the proposal conflicts with the intent of the approved Beasley Neighbourhood Plan, redesignation to "Commercial" is not recommended at this time. This matter will be dealt with in the Central/Beasley Neighbourhood Plan Review currently in progress.
3. The proposal has merit and can be supported for the following reasons:
 - It would be compatible with existing land use in the surrounding area, including the applicant's bakery use to the east, dwellings converted to commercial and multiple residential use to the north, and a commercial use at the north-west corner of the intersection of Catharine Street North and Cannon Street East.
 - It will provide non-required parking for the adjoining legal non-conforming bakery use which does not have any customer parking at present and, as such, should help to alleviate overflow parking on local streets.
 - It will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the commercial use are mitigated for adjoining residential uses.
4. In keeping with the "G-3" (Public Parking Lot) District regulations, a minimum 1.5 m wide landscape planting strip and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height is required along every side or rear yard which adjoins a residential district. In addition, the parking lot requires a front yard setback as required for any adjoining residential district, ("D" Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District - 6.0 m). However, notwithstanding the minimum "G-3" (Public Parking Lots) District regulations the following special provisions are recommended:
 - a) That a landscape planting strip having a minimum width of 1.5 m be provided and maintained along the northerly lot line, and a visual barrier not less than 1.2 m

in height and not greater than 2.0 m in height be provided and maintained within the landscape planting strip, except for any area required for vehicular access;

- b) That a landscape planting strip having a minimum width of 1.5 m and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, be provided and maintained along the southerly lot line;
- c) That a landscape planting strip having a minimum width of 2.4 m should be provided and maintained along the westerly property line, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height should be provided and maintained within the landscape planting strip. It should be noted that the adjoining lands to the south are occupied by a single-family dwelling and are zoned "D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District. As noted above, the "D" District requires a minimum front yard of 6.0 m, whereas the existing single-family dwelling has a set back of approximately 2.4 m. In this regard, the proposed minimum 2.4 m landscape strip would maintain the established streetscape.

On this basis, a minimum of four (4) parking spaces could be accommodated on-site whereas the applicant proposes six (6). The above-noted landscaped planting strips and visual barriers along the northerly, southerly and westerly lot lines will mitigate the potential spill over effects (e.g. noise, headlight glare) of the parking lot, and should enhance the street frontage on both Cannon Street East and Catharine Street North.

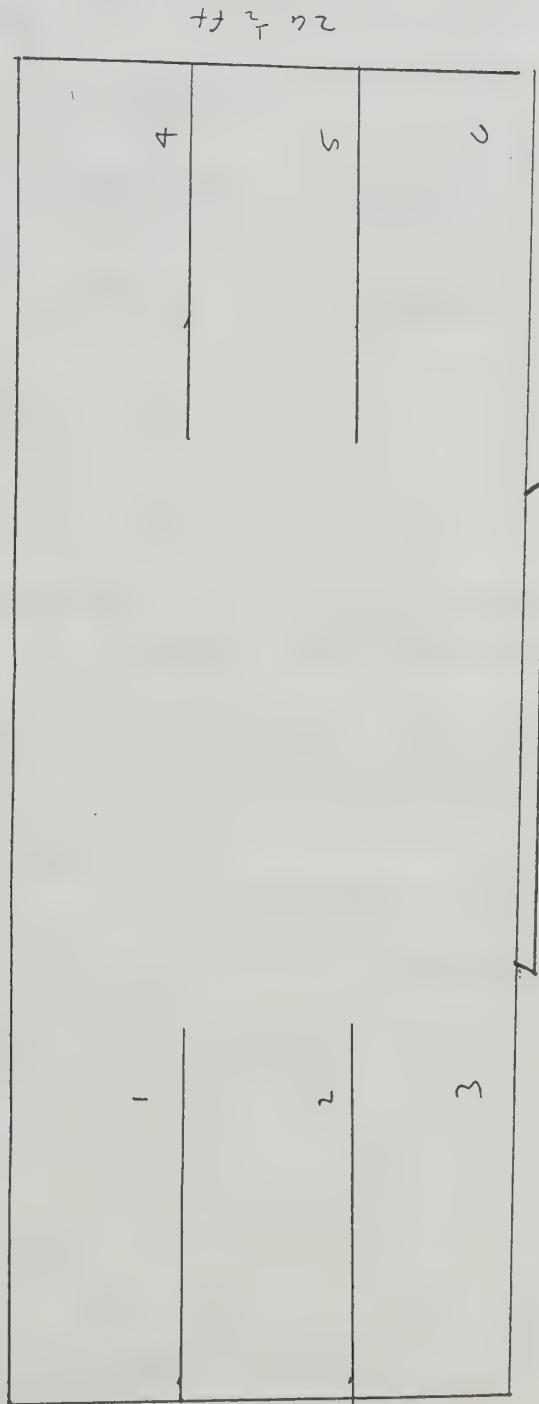
5. The "G-3" (Public Parking Lots) District is subject to Site Plan Control By-law 79-275 as amended by By-law No. 87-223. In this regard, matters such as parking layout, access, landscaping, fencing, grading, lighting, etc. can be further reviewed at the site plan stage of development. However, since a building permit is not required for the construction of a parking lot it is recommended that the amending By-law not be forwarded for passage by City Council until such time as the applicant applies for and receives site plan approval.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

GAW/ma
WPZA9239

72 ft



- variance required for width of parking stall



THE CORPORATION OF THE CITY OF HAMILTON
DEPARTMENT OF BUILDINGS

BUILDING PERMIT

RECEIVED BY COMMISSIONER R. L. KENNEDY
INSPECTION DIVISION 246-2782 PLANNING DIVISION 246-2720

RON

na



PRESENT USE: [Single Family Dwelling]
PROPOSED USE: [Vacant Lot] No. OF UNITS []
LOCATION: [150 Catherine Street North] LOT No. [] SIDE N/S/E/W [East]
BETWEEN: [Cannon Street] AND [Wilson Street] MAP No. [E4] SEC. No. []

DATE RECEIVED: [April 11, 1991]
DATE ISSUED: [1991 August 20]

OWNER:	Mr. P. Alaimo	478 Missis Road, R. R. #2	NBA 1A0
		Caledonia, Ontario	765-1046
CONTRACTOR:	Latrice Construction	6th Road	
		Vincent, Ontario	643-2679
ARCHITECT:			
ENGINEER:			
(STRUCTURAL)			
ENGINEER:			
(MECHANICAL)			
ENGINEER:			
(ELECTRICAL)			

SCOPE OF WORK: • To demolish existing single family dwelling as per Planning & Development
• Committee approval on May 2, 1991, and as approved by City Council on May 14, 1991.

AUG 20 1991

PLAN No. [] [DA-] TAG No. [E1200] ZONE: [D] F.Y. [] R.Y. [] S.Y. []

ESTIMATED COST [\$ 3,000] PERMIT FEE [\$ 200] RECEIPT No. [688]

ISSUED TO: [Mr. Phil Alaimo, 478 Missis Road, R. R. #2, Caledonia, Ontario, NBA 1A0]
ON THE AUTHORITY OF THE BUILDING COMMISSIONER
ISSUED BY: [Mr. G. Robb/bel]

PERMIT No. [BZ 91-0374]

INSPECTOR FILE ASSESSMENT AUDIT

JAN 23 1992

INSPECTION RECORD

	REMARKS	INSPECTOR	DATE
FOOTING:			
DAMP-PROOFING:			
STONE:			
FRAMING:			
PLUMBING:			
INSULATION:			
DRAINS:			
CERTIFICATES:			
OCCUPANCY:			
FINAL:			

vs. J. Nov. 18/91.

J. J. J. Jan 9/92



THE CORPORATION OF THE CITY OF HAMILTON

City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

BUILDING DEPARTMENT

FAX - (416) 546-2764
GENERAL INQUIRIES - (416) 546-2733

Refer to File
Attention of D.Inglis
Telephone 546-4681

January 10, 1992

Mr. Phil Alaimo
478 Mines Road
R.R.#2
Caledonia, Ontario
NOA IAO

Dear Sir:

Re: Demolition Permit #BZ91-0374
150 Catharine St. N. HAMILTON, Ontario.

As per your demolition permit for the above-noted property, the stated proposed use is to be vacant land. Be also advised that the property is presently zoned "D" residential and only residential buildings & uses are presently permitted on that property. As such, for your information, the vacant lot which resulted from the demolition of the former dwelling unit there cannot presently be used for parking of vehicles or any other use other than is permitted by the present "D" residential zoning.

Should you wish to attempt to change the zoning to allow other uses of the property, applications and information for same are available at the Planning & Development Department, 7th floor, City Hall. In the meantime, the "D" zone uses are the only uses permitted.

Hoping the above information is of value to you and in anticipation of your co-operation in this matter.

Yours very truly,

for Len C. King, P.Eng.
Building Commissioner.

DI/lc

cc: Mr. Ted Arnold, Driveway Control Officer
Traffic Department

JAN 23 1992

APPENDIX 2



THE CORPORATION OF THE CITY OF HAMILTON
BUILDING DEPARTMENT, CITY HALL, 3RD FLOOR 71 MAIN STREET WEST, HAMILTON, ONTARIO, L8N 3T4

ORDER TO COMPLY

FILE NO:

ISSUED TO	LOCATION
Alaimo, Philip and Lattuca	150 Catharine Street North
Geetano in trust	HAMILTON, Ontario.
150 Catharine Street North	
Hamilton, Ontario L8R 1J4	

TAKE NOTICE THAT THE parking of vehicles
AT THE ABOVE LOCATION IS IN CONTRAVENTION OF THE ACT(S)/REGULATION(S)/BY-LAW(S) AS OUTLINED BELOW:

[illegible]

AND TAKE NOTICE FURTHER THAT YOU AS THE OWNER/CONSTRUCTOR/OR PERSON APPARENTLY IN POSSESSION
ARE HEREBY ORDERED TO COMPLY ~~FOUR MONTHS~~ WITHIN

AND TAKE NOTICE FURTHER THAT IN DEFAULT OF COMPLIANCE WITH THE FOREGOING, YOU WILL BE LIABLE UPON CONVICTION, TO THE PENALTIES PROVIDED BY THE SAID ACT/REGULATIONS. *Law*

REGISTERED MAIL	June 19, 1992	<i>P. J. [Signature]</i>	June 19, 1992
RECEIVED BY	DATE	INSPECTOR	DATE

PHONE DIRECT 540-2782
8 AM - 9 AM

FORM 404

SOLD SEPARATELY FORMS 100

APPENDIX

CITY OF HAMILTON
- RECOMMENDATION -

5.

REC

NOV 24 1992

CITY CLERKS

DATE: November 19, 1992
ZA-92-07
Eastmount Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a change in Zoning - No. 625 and 635
Concession Street.

RECOMMENDATION:

That approval be given to amended Zoning Application 92-07, St. Stephen-On-The-Mount Anglican Church, owner, requesting a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District modified for Blocks "1" and "2", to permit the development of the subject lands for an eight (8) storey, 41 unit multiple dwelling and parish hall addition to the existing church, for the property located at 625 and 635 Concession Street, shown as Block "1" and Block "2" on the attached map marked as APPENDIX "A", on the following basis:

- i) That Blocks "1" and "2" be rezoned from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District;
- ii) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of Zoning By-law No. 6593, applicable to the multiple dwelling and parish hall for Block "1", be modified to include the following variances as special requirements:
 - a) That notwithstanding Section 11(2)(ii) of Zoning By-law No. 6593, no building or structure shall exceed eight (8) storeys or 30.0 m in height;
 - b) That Section 11(3)(i)(b) of Zoning By-law No. 6593 shall not apply, except a minimum front yard depth of 1.0 m shall be provided and maintained along the portion of the southerly lot line within 18.0 m of the easterly lot line;
 - c) That Section 11(3)(ii)(b) of Zoning By-law No. 6593 shall not apply to the westerly lot line;
 - d) That notwithstanding Section 11(3)(ii)(b) of Zoning By-law No. 6593, a minimum side yard width of 3.0 m shall be provided and maintained along the easterly lot line;

- e) That Section 11(3)(iii)(b) of Zoning By-law No. 6593 shall not apply, except a minimum rear yard depth of 10.0 m shall be provided and maintained for any portion of the building above the first storey;
 - f) That notwithstanding Section 11(5) of Zoning By-law No. 6593, no building or structure shall exceed a maximum gross floor area of 3893.0 m² and forty-one (41) dwelling units;
 - g) That notwithstanding Section 18A(1) of Zoning By-law No. 6593, not less than fourteen (14) parking spaces shall be provided and maintained;
 - h) That notwithstanding Section 18A(1)(c) of Zoning By-law No. 6593, one (1) loading space having minimum dimensions of 3.7 m in width, 9.0 m in length, and 4.3 m in height shall be provided and maintained;
 - i) That Section 18A(25) of Zoning By-law No. 6593 shall not apply;
 - j) That a minimum landscaped area of 150.0 m² shall be provided and maintained at grade;
 - k) That a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained along the northerly lot line;
- iii) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variances as special requirements:
- a) That notwithstanding Section 11(1) of Zoning By-law No. 6593, only the church use shall be permitted within the existing building on the date of passing of this by-law;
 - b) That Section 11(3) of Zoning By-law No. 6593 shall not apply;
 - c) That a roofed-over or otherwise unenclosed one-storey porch may be erected to the south-east corner of the existing church;
- iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-24 be notated S- ;
- v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-24 for presentation to City Council;
- vi) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District modified for Blocks "1" and "2", for the property located at 625 and 635 Concession Street, shown as Blocks "1" and "2" on the attached map.

The effect of the by-law is to permit the development of Block "1" for an eight (8) storey, forty-one (41) unit, multiple dwelling and parish hall addition to the existing church.

In addition, the By-law provides for the following variances as special requirements associated with the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District for Block "1" (Multiple Dwelling and Parish Hall):

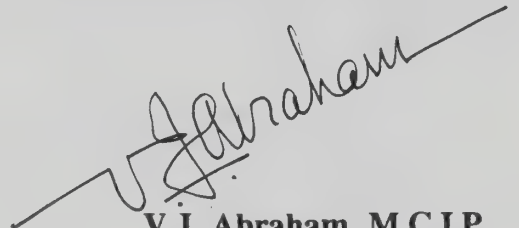
- Restricts the building to a maximum gross floor area of 3893.0 m², forty-one (41) dwelling units, eight (8) storeys and 30.0 m in height;
- Eliminates the front yard requirement on Concession Street whereas 7.5 m is required, except for a minimum front yard depth of at least 1.0 m within 18.0 m of the easterly lot line (Poplar Avenue);
- Requires a minimum easterly side yard setback of 3.0 m from Poplar Avenue whereas 9.65 m is required;
- Eliminates the rear yard depth for the first floor whereas 13.5 m is required, but requires a minimum rear yard depth of 10.0 m for any portion of the building above the first storey;
- Permits a minimum of fourteen (14) parking spaces whereas fifty-two (52) parking spaces are required;
- Requires one (1) loading space having minimum dimensions of 3.7 m x 9.0 m x 4.3 m whereas one (1) at 3.7 m x 18.0 m x 4.3 m is required;
- Permits the boundary of the access driveway to abut the northerly lot line whereas a minimum 3.0 m distance separation is required;
- Requires a minimum landscaped area of 150.0 m² at grade;
- Requires a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height along the northerly lot line.

The By-law also provides for the following variances to the "E" (Multiple Dwelling, Lodges, Clubs, etc.) District for (Block "2"):

- Permits only the church use within the existing building on the date of passing of this by-law;
- Recognizes the established yard setbacks for the existing church;
- Permits the erection of a roofed-over or otherwise unenclosed one-storey porch to the south-east corner of the existing church.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The application as amended is for an eight (8) storey multiple dwelling, containing forty-one (41) dwelling units (i.e., 28 units for the physically disabled and 13 units for seniors), and a parish hall(located on the first floor) which will be physically connected to the existing church (see Appendices "B" and "C"). The existing parish hall will be demolished.

LOT SIZE AND AREA:

- 76.20 m (250.0 ft.) of lot frontage on Concession Street;
- 30.65 m (100.55 ft.) of lot frontage on Poplar Avenue; and,
- 2 290.0 m² (24,650.16 sq.ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Church and Parish Hall	"H" (Community Shopping and Commercial, etc.) District
<u>Surrounding Lands</u>		
to the north	Residential	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District
to the south	Commercial and Residential	"H" (Community Shopping and Commercial, etc.) District, and "E" (Multiple Dwellings, Lodges, Clubs, etc.) District
to the east	Parking Garage and Hospital	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District
to the west	Commercial	"H" (Community Shopping and Commercial, etc.) District

OFFICIAL PLAN:

The subject lands are designated **Major Institutional** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

- "A.2.6.1 The primary uses permitted in the areas exceeding .4 hectare in size designated on Schedule "A" as MAJOR INSTITUTIONAL, will consist of cultural facilities, health, welfare, educational, religious, and governmental activities and related uses.

However, such uses less than .4 hectare in site area will be permitted in areas designated Residential, provided they satisfy the requirements of Policy A.2.1.3. Further, notwithstanding the above site area requirements, MAJOR INSTITUTIONAL uses will also be permitted in areas designated Commercial as set out in Policy A.2.2.1.

- A.2.6.5 Notwithstanding the policies set out above, in areas designated MAJOR INSTITUTIONAL USES, Residential uses may be permitted provided they are compatible with the surrounding area.

A.2.1.13 Plans for redevelopment will, to the satisfaction of Council, ensure that the RESIDENTIAL character of the area will be maintained or enhanced and that the redevelopment will not burden existing facilities and services.

A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:

- i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,
- ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses."

Further, the proposal is situated within Special Policy Area 1; the following policies of Subsection A.2.9.1 - Niagara Escarpment should be noted:

"A.2.9.1.1 The lands shown on Schedule "B" as SPECIAL POLICY AREA 1 lie within the recommended NIAGARA ESCARPMENT Planning Area. To implement the proposed Plan for the NIAGARA ESCARPMENT, SPECIAL POLICY AREA 1 is subdivided as shown on Schedule "B" into Areas '1a' and '1b', for which the following provisions will apply:

- ii) It is intended that development in Area '1b' will have a minimal impact on the adjacent ESCARPMENT (Area '1a'). Accordingly, the nature of development, as defined in Schedule "A" for this Area, will be at a density, scale and height which is compatible with the ESCARPMENT.

A.2.9.1.4 Council will not support non-essential developments which will detract from the unique visual and scenic qualities of the brow face or base of the ESCARPMENT or lands in the immediate vicinity."

In addition, policies of Subsection C.7 - Residential Environment and Housing Policy should be noted:

"C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

- i) Provision and maintenance of adequate off-street parking;
- ii) Alteration of traffic flows;
- iii) Improvement and maintenance of street landscaping;

- vi) Investigation into, and application of, other methods of encouraging the maintenance and improvements of buildings in RESIDENTIAL areas;
- viii) Other similar actions or matters as Council may deem appropriate.

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

C.7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:

- i) Encourage the maintenance of RESIDENTIAL properties subject to the provisions of Subsection C.5;
- iii) Encourage RESIDENTIAL development that provides a range of types and tenure to satisfy the needs of the residents at densities and scales compatible with the established development pattern;
- iv) Encourage the responsible public agencies to provide low-cost and/or senior citizen housing at appropriate locations throughout the City;
- v) Support the concept of an accessible RESIDENTIAL community throughout Hamilton and will encourage the development of a wide range of RESIDENTIAL care and short-term facilities through appropriate recognition in the Zoning By-law;
- vii) Encourage development at densities conducive to the operation of Public Transit and which utilizes designs or construction that are energy efficient."

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

There is no approved plan for the Eastmount Neighbourhood.

RESULTS OF CIRCULARIZATION:

- The following agencies have reviewed the proposal and have no objection:
 - Hamilton Region Conservation Authority;
 - Niagara Escarpment Commission;
 - Ministry of Housing; and,
 - Union Gas.

- The Roads Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service lands.

The existing and designated road allowance width of Concession Street is 20.12 m. The existing road allowance widths of Viewpoint Avenue and Poplar Avenue is 15.24 m. This is the minimum for City of Hamilton streets. In order to maintain proper turning radii, we recommend that as a condition of development approval that 3 m x 3 m daylight triangles be dedicated to the Region at the corners of Concession Street and Viewpoint Avenue and Concession Street and Poplar Avenue.

Any works which may occur within the adjacent road allowances or daylight triangles, as widened, must conform to the respective Streets By-laws. Encroachments of structures, underground parking garage, tie backs etc. into the road allowance are not permitted. We understand that the owner is submitting a set of revised site plans for our review and approval.

The Traffic Department is to comment on access and access design. The grade of the ramp in the road allowance is not to exceed 2% and then 5% for the first 7.5 m on private property. We recommend that the subject lands be subject to site plan control at which time we will submit more detailed comments on grading, sight lines, landscaping etc. We will require certain setbacks of structures etc. from the road allowance to ensure that our requirements for motorists sight lines etc. and they will be specified on the revised plans."

Subsequently, the Roads Department submitted the following additional comments:

"We have reviewed the preliminary site plans delivered to our Office on November 4, 1992 and submit the following comments:

1. All our previous comments in our letter dated June 2, 1992 are still applicable and it appears that they have not been addressed in this site plan.
2. The underground parking garage plans and the site plans are to be revised and all structures relocated outside of the 3 m by 3 m daylight triangle at the intersection of Poplar Avenue and Concession Street. These 3 m by 3 m daylight triangles at this intersection and the intersection of Concession Street and Viewpoint Avenue are to be shown on the site, grading, landscaping plans etc.
3. According to the letter submitted, it appears that a front yard of 0.00 m is requested. The plans submitted by the applicant do not dimension the setbacks but the structure appears to be set back 1.0 m from the Concession Street road allowance especially at the east side. It is desirable that the structures be set back 1.0 m from the Concession Street road allowance to ensure adequate motorist sight visibility at the adjacent intersections. It is our request that the applicant review the plans to determine the impact of this 1.0 m setback and that this setback be incorporated into the zoning by-law.

4. The grade of the access within the road allowance should not exceed 2 per cent and the grade of the driveway ramp on private property should not exceed 5 per cent for the first 7.5 m and 10 per cent thereafter. Comments on this matter from the City of Hamilton Traffic Department should be considered regarding these matters, on site manoeuvring and loading etc.
5. In the absence of any details shown, we advise that any works which may occur within the adjacent road allowances, as widened, must conform to the respective Streets By-laws.
6. We require 5 m by 5 m daylight triangles between the access and the property line in which the maximum height of objects, mature vegetation etc. is not to exceed a height of 0.60 m above the corresponding perpendicular centreline elevations of the adjacent streets."

- The Traffic Department has verbally advised that they support the intent of the proposed rezoning and the reduction in parking from fifty-two (52) required parking spaces to fourteen (14) parking spaces provided on site, and the reduction in loading space length from 18.0 m minimum to 9.0 m minimum.
- The Building Department has advised:

"Further to your memo and revised plans received October 30, 1992, for the proposed zoning change to a "E" modified for Blocks "1" and "2", the comments are as follows:

1. NOTE: * denotes - "does not comply"

A. Height	8 storeys, 26.0 m *max.
B. Gross Floor Area	3893 m ² (2290 x 1.7) *max.
C. Landscaped Area	572.5 m ² (2290 x 25%) *min.
D. Parking Spaces	52 spaces *min.
E. Loading Space	1 - 3.7 m x 18 m x 4.3 m *min.
F. Yards:	
Front-Concession St.(south)	7.50 m *min./max.
Side-Poplar St.(east)	9.65 m *min.
Side-Viewpoint St.(west)	9.65 m *min.
Rear-(north)	13.50 m *min./max.

With respects to above noted requirements the comments are as follows:

- A. The proposed height of 30.0 m is over the maximum permitted.
- B. If the total lot area of both Blocks are being used to determine the maximum permitted gross floor area then the total gross floor area of the existing building (church), the proposed church hall and the proposed multiple dwelling shall be included in the proposed total gross floor area.

- C. If all the lands in the proposed "E" zoning district are being considered in determining the maximum gross floor area then the same lot area is used in determining the minimum required landscaped area. The definition of Landscaped Area does not permit any portion of the minimum landscaped area to be located on the roof.
- D. The proposed fourteen (14) parking spaces are insufficient. (15th parking space or Mechanical Room?) Note: all minimum dimensions of the parking area and access driveway shall be measured from wall face.
- E. The proposed loading space is insufficient in size.
- F. The min./max. yards are determined by the overall length, width and height of the proposed church hall, multiple dwelling and existing church building.

The side yards include an amount which is one half of the difference of the street width of Poplar St. and Viewpoint St. and the minimum required 20.0 m street width. $(20.0 \text{ m} - 15.2 \text{ m} \times 1/2 = 2.4 \text{ m})$

The min./max. yards shall be measured from the lot line to the wall of the building which is the closes.

The existing church does not provide the new established rear yard or side yard.

- 2. The proposed roofed over porch to the existing church and the proposed building may project into the required front yard provided that it is at least 4.5 m from the front lot line, but is not permitted to project into a required side yard. The construction of the roofed over porch shall conform to the requirements of Section 18.(3)(vi)(d) of By-law 6593.
- 3. The access driveway must be at least 3.0 m from the boundary line of the residential district to the north. [Section 18A(25)]"

COMMENTS:

- 1) The proposal does not conflict with the intent of the Official Plan.
- 2) The proposal has merit and can be supported for the following reasons:
 - i) it implements the intent of the Official Plan to provide low-cost and/or senior citizen housing at appropriate locations throughout the City;
 - ii) it is an infill housing project which will contribute to a desirable housing mix within close proximity to shopping facilities, public transit, medical facilities, and other amenities;

- iii) it will increase the supply of affordable housing for special needs groups, by providing 28 units for the physically disabled and 13 units for seniors (see Appendix "B");
 - iv) the proposed development will integrate and be sensitive to the adjoining residential development in terms of height, bulk, and arrangement.
- 3) Based upon a preliminary site plan (see Appendix "C"), the Building Department has advised that approval of the application would require the following variances:

Block "1" (Multiple Dwelling And Parish Hall)

- Density and Height

The multiple dwelling will be restricted to a maximum gross floor area of 3893.0 m², forty-one (41) dwelling units, and eight (8) storeys or 30.0 m in height. As noted by the Building Department the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District permits a maximum gross floor area of 1.7 x the lot area. Both Blocks "1" and "2" will be zoned "E" - District, with a restriction that only the existing church use within the existing building on the date of passage of this by-law, except for a roofed-over or otherwise unenclosed one-storey porch along the southerly lot line, will be permitted on Block "2". It is therefore feasible to permit the maximum allowable gross floor area on Block "1", (i.e., lot area of Blocks "1" and "2" x 1.7 = 3893.3 m²).

The maximum height of the proposed building will be 30.0 m whereas the by-law permits a maximum height of 26.0 m. The slight increase is necessary since a peaked roof has been proposed which is not typical of most multiple dwellings (i.e., typically flat roofed). Furthermore, the proposed building will not exceed the permitted eight (8) storeys in height. Thus, the variance is considered to be minor in nature and can be supported.

- Landscape Area

The preliminary Site Plan suggests that a minimum 150.0 m² of landscape area will be achieved on Block "1" (i.e., Multiple Dwelling and Parish Hall), it is reasonable to request that this amount be provided as a special requirement on Block "1" in addition to the landscaped open space maintained on Block "2" (i.e., Existing Church).

- Yards

A front yard setback of 1.0 m will be provided along the southerly lot line (i.e., Concession Street) within 18.0 m of the easterly lot line (i.e., Poplar Avenue) whereas a 7.5 m depth is required along the entire southerly lot line. This would pull the bulk of the building closer to the southerly lot line along Concession Street, further away from the single-family residential district to the north, place the building in line with the front yard setback of the adjacent hospital - cancer clinic facility and parking garage, and would address the Roads Department's concern related to adequate motorist sight visibility at the corner of Concession Street and Poplar Avenue. Ultimately, the proposed front yard setbacks facilitate a building arrangement that integrates with the surrounding built environment.

The northerly rear yard setback will be eliminated for the first floor of the proposed apartment building and a 10.0 m minimum setback will be required for any portion of the building above the first storey whereas 13.5 m is required. Only a portion of the first floor (i.e., proposed parish hall) will abut this property line whereas the entire north wall of the existing parish hall currently infringes upon northerly property line. Therefore the proposed setback for the first floor is no less feasible than the existing setback situation.

The easterly side yard setback will be 3.0 m minimum whereas 9.65 m is required. This will facilitate a building arrangement that integrates with the surrounding built environment and allows the built form to address the street.

Furthermore, the above-mentioned required yards are determined by the overall length, width, and height of the proposed multiple dwelling and existing church building. If only the proposed building was considered the yard requirements would not be as great.

The above-mentioned variances are considered to be minor in nature and can be supported.

• **Parking and Loading**

Fourteen (14) parking spaces will be provided on site whereas the by-law requires fifty-two (52) parking spaces (1.25 spaces x 42 units). The applicant has suggested the following parking calculations which are geared towards their specific user groups (see Appendix "B"):

	<u># of Units</u>	<u>Rate</u>	<u>Spaces Proposed</u>
- one (1) & two (2) bedroom unit (physically disabled) -	28	.25	7
- one (1) & two (2) bedroom unit (seniors apartment) -	<u>13</u>	.35	<u>5</u>
- Total -	41		12

Thus, based upon the specific user groups the applicant suggests that twelve (12) parking spaces would be sufficient. However, to ensure that adequate parking is available they will provide **fourteen (14)** parking spaces on the lot.

The applicant has also provided statistics, for other similar projects within the City of Hamilton (see Appendix "B"), which suggest that when parking has been provided at the rate required as per the Zoning By-law, it is usually under utilized.

The Traffic Department has reviewed the proposed parking calculations and has found them to be satisfactory.

Therefore, given the nature of the project (i.e., 68 % of the units geared towards the physically disabled and 32 % of the units for seniors), the reduction in parking is supportable.

- One (1) loading space having minimum dimensions of 3.7 m x 9.0 m x 4.3 m will be provided whereas one (1) loading space having minimum dimensions of 3.7 m x 18.0 m x 4.3 m is required. The Traffic Department has advised that the reduced length of the loading space is satisfactory.
- The boundary of the access driveway will be 0.0 m from the northerly property line whereas a minimum 3.0 m distance separation is required. This variance is necessary to provide a two-way access to the proposed underground parking garage, and ultimately will create a greater distance separation between the proposed building and the adjacent single-family residence. However, it should be noted that a 1.8 m to 2.0 m visual barrier (i.e., wood fence) will be required along the northerly lot line abutting the residential district to mitigate any spill over effects.

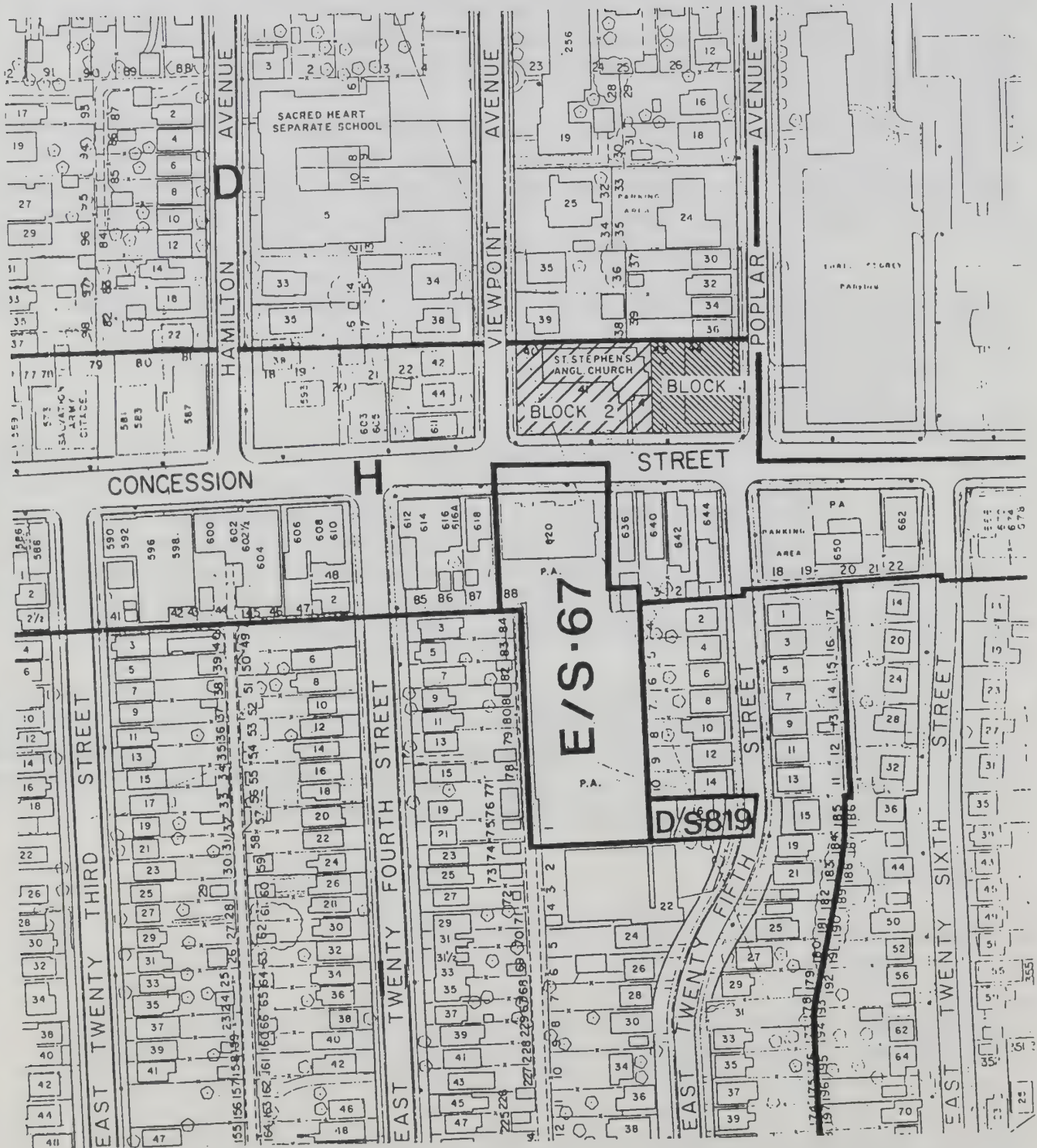
Block "2" (Existing Church)

- In lieu of being able to utilize both Blocks "1" and "2" to calculate the maximum allowable gross floor area on Block "1", the applicant proposes to modify the "E" (Multiple Dwelling, Lodges, Clubs, etc.) District for Block "2" to only permit the existing church use within the existing building on the date of passage of by-law, except for a roofed-over or otherwise unenclosed one-storey porch along the southerly lot line. Furthermore, a variance to recognize the established yard setbacks for the existing church would be required.
- 4) The "E" (Multiple Dwellings, Lodges, Clubs, etc.) District is subject to Site Plan Control By-law 79-275 as amended by By-law No. 87-233. In this regard, any outstanding matters from the Roads and Traffic Departments (i.e., daylight triangle dedication, parking garage and access design, etc.) and matters related to building design, orientation, and landscaping will be addressed at that stage of development.

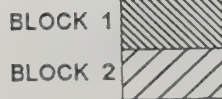
CONCLUSION:

Based on the foregoing, the proposal can be supported.

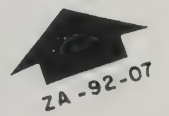
JL/
WPZA9207



Legend



Change in zoning from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified.



Amended
APPENDIX A

INFORMATION ON PARKING
ST. STEPHEN ON THE MOUNT
OCCUPANT DESCRIPTION

NOVEMBER 9, 1992

Group	Units	
Christian Horizons	1	2 Bed H.C.
Rygel Home	10	1 Bed H.C.
	3	2 Bed H.C.
Brain Injury	4	1 Bed H.C.
	2	1 Bed
Hearing Impaired	4	1 Bed
CNIB	4	1 Bed
Seniors	10	1 Bed
	3	2 Bed
	<hr/>	
	41	

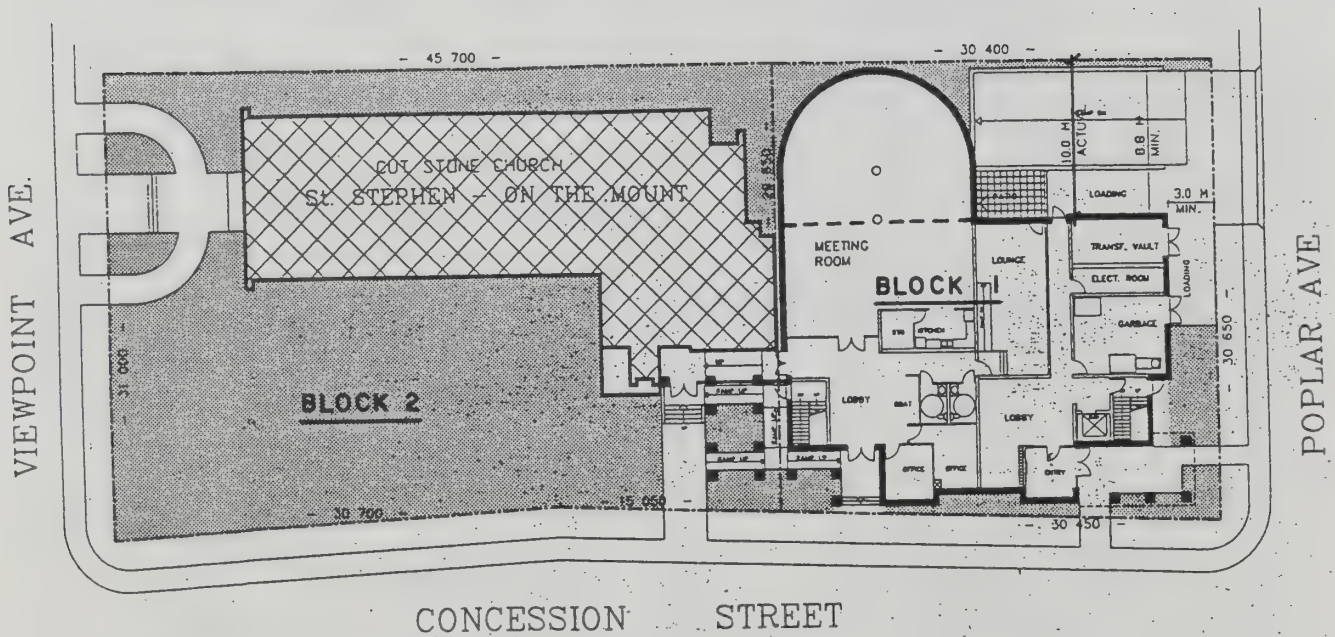
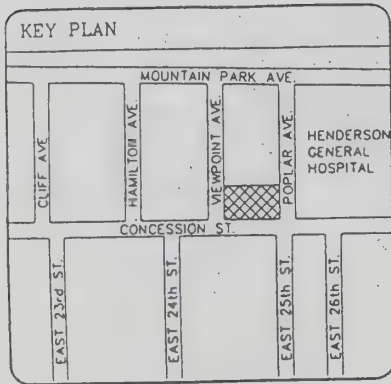
Parking requirements based on Artaban, Hope, Vila Verdi, McClure Crofts, and First Place.

Required	H.C. & Special Needs	28 @ .25	=	7
	Seniors	13 @ .35	=	5
		<hr/>		
				12 spaces
Provided				14 spaces

INFORMATION ON PARKING

	# of apts.	# of spots	# used
FIRST PLACE HAMILTON, SENIORS' (UNDERGROUND)	450	230	47
HOPE (HANDICAPPED SPECIAL USE) (ABOVE GROUND)	57	29	14
VILA SANTA MARIA (FAMILY - MIXED USE) (ABOVE GROUND)	55	76	45
ITCA II (FAMILY - MIXED USE) (ABOVE GROUND)	54	55	40
MC CLURE - SENIORS, SINGLES, FAMILY		108	25
(UNDERGROUND & ABOVE GROUND)			
		31 for visitors	

APPENDIX B



SITE PLAN

SCALE 1:200

SITE DEVELOPMENT DETAILS	BLOCK 1 & 2 (TOTAL SITE)	BLOCK 2 (CHURCH SITE)	BLOCK 1 (APARTMENT SITE)
NET LOT AREA	2290 M ²	1370 M ²	920 M ²
BUILDING COVERAGE	1014 M ²	434 M ²	580 M ²
GROSS FLOOR AREA - RESIDENTIAL	3300 M ²	-	3300 M ²
GROSS FLOOR AREA - CHURCH RELATED	824 M ²	434 M ²	390 M ²
BUILDING HEIGHT	8 STOREYS 30.0 M	EXIST.	8 STOREYS 30.0 M
No. OF UNITS	41	0	41
PARKING	14	0	14
PAVED AREA	190 M ²	0	190 M ²
LANDSCAPED AREA	1086 M ² (47%)	936 M ² (68%)	150 M ² (16%)

"Copy sent to V. Abraham, Director of Local Planning, Planning Department, M. Main, Director of Traffic Services, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department, and Alderman D. Drury, Chairperson, Planning and Development Committee - 1992 November 24"

NOV 23 1992

[Faint handwritten notes at the bottom of the page]

(The following information was obtained from the records of the Federal Bureau of Investigation.)

CC-0

RECEI

NOV 24

CITY CLEANS

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LA-42-07

[illegible]

2. The site and building did not show the parking spaces for the 100 cars. I could not determine what is the number of parking spaces in the building. There are 100 parking spaces for each floor in the apartments and at least 10 additional spaces for the visitors. You must know that this is a unique situation where there is no parking spaces available in the whole area. The situation will be worst in the future at Hattin. At least 20 spaces are required. I understand the number of spaces planned are 10 for both the shore and the building.

2. I would like to point out to you the fact that the traffic at
Sullivan St. increases since it will not have any other
left-turn lanes and the buslanes turn right onto Wall Street.
The other noise source is the construction activity. This comes from the
work done for the tracks - to supply the Hudson St. Corridor with the
daily needs all day long - a very heavy traffic flow on Canal
Ave creates quite a high noise level and a strong air pollution.
In addition, the new cancer treatment building further
generates a very high noise level all day and night long. There is
constant complaint from the whole area residents regarding this
new noise source. Also the entrance and exit to the parking

The first of the three main parts of the book is a history of the development of the theory of the firm. This part is written by the author and his co-authors. The second part is a survey of the current state of the theory of the firm. This part is written by the author and his co-authors. The third part is a survey of the current state of the theory of the firm. This part is written by the author and his co-authors.

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Page 1 of 1

Page 1 of 1

Page 1 of 1

NOV 27 1992

REC 6.

NOV 25 1992

CITY CLERKS

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 November 25
ZA-92-40
Gibson Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a modification in zoning - 21 Dunsmure Road

RECOMMENDATION:

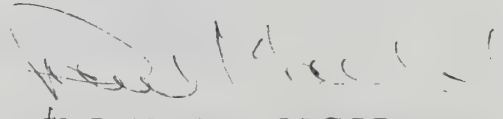
That Zoning Application 92-40, Frank and Filomena Ricci, owners, requesting a modification to the existing "C" (Urban Protected Residential, etc.) District, to permit establishment of a residential care facility for nine residents, notwithstanding the minimum radial separation distance of 180 metres between such facilities, for property located at 21 Dunsmure Road, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

- It conflicts with one of the primary goals of the Residential Care Facilities By-law to provide the residents with an opportunity to live in an environment that closely approximates a family situation. This proposal represents a 50% increase in the number of permitted residents (from 6 to 9);
- It is contrary to the Residential Care Facilities By-law which requires a minimum radial separation distance of 180 metres between facilities to preserve the residential character of neighbourhoods. This facility is within 180 metres of five other residential care facilities (see Appendix "B");
- Approval of this application would encourage other similar applications which, if approved, would further contribute to the existing over-concentration of such facilities in Gibson Neighbourhood; and,

- The Department of Social Services advise there is no demonstrated need for additional retirement home beds in the City since there were 227 vacant beds in the system as of the end of August, 1992.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant is proposing a modification to the existing "C" (Urban Protected Residential, etc.) District provisions to establish a residential care facility (retirement home) for nine residents notwithstanding the minimum radial separation distance of 180 metres between such facilities.

- Order to Comply

On November 19, 1992, the Licence Division inspected 21 Dunsmure Road and advised that there were four elderly residents living on the premises. The following day, (November 20, 1992) a 30 day "Order to Comply" (see APPENDIX "C") was issued by that Division for the owners to either obtain a licence or reduce the capacity of the facility.

• Application for Minor Variance A-91:173

On June 10, 1992, the Committee of Adjustment "adjourned at the request of the applicant" an application for relief "to permit the establishment of a residential care facility (retirement home) for six residents within the existing building, notwithstanding that there are approximately four other facilities within 180 metres, one as close as 20.11 metres at municipal number 44 Proctor Blvd."

This Department did not support the application for the following reasons:

- Under the "C" District provisions, a residential care facility for the accommodation of up to 6 residents is permitted provided that it is situated on a lot having a minimum radial separation distance of 180.0 m (590 ft.) from the lot line to the lot line of any other lot occupied by a residential care facility or short term care facility. In this case, the residential care facility is located within 180.0 m (590 ft.) of four other residential care facilities, one of which is located within 20.11 m (66 ft.) of the site in question. Over concentration of such uses in one area has the effect of creating an institutional setting, and would change the character of the surrounding neighbourhood.
- The proposal is not considered to be minor in nature or in keeping with the intent and purpose of the by-law. An approval of the application may encourage other similar applications in the area which, if approved, would undermine the intent of the Residential Care Facilities By-law."

APPLICANT:

Frank Ricci and Filomena Ricci, owners.

LOT SIZE AND AREA:

The subject lands have:

- a frontage of 38.03 metres (124.79 feet) on Dunsmure Road;
- a frontage of 16.3 metres (53.53 feet) on Proctor Blvd.; and,
- a lot area of approximately 619.89 m² (6,680.01 square feet).

LAND USE AND ZONING:

| | <u>Existing Land Use</u> | <u>Existing Zoning</u> |
|--------------------------------|--|--|
| <u>Subject Lands</u> | Residential Care Facility
(Retirement Home) | "C" (Urban Protect Residential, etc.) District |
| <u>Surrounding Lands</u> | | |
| to the north, east
and west | Single Family Dwellings | "C" (Urban Protected Residential, etc.) District |
| to the south | Residential Care Facility | "C" (Urban Protected Residential, etc.) District |

OFFICIAL PLAN:

The subject lands are designated "Residential" on Schedule 'A' - Land Use Concept of the Official Plan. The following policies apply:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2."

In addition, the policies of Subsection C.7 - Residential Environment and Housing Policy should be noted:

- "C.7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:
- iv) Encourage the responsible public agencies to provide low-cost and/or senior citizen housing at appropriate locations throughout the City;

- v) Support the concept of an accessible RESIDENTIAL community throughout Hamilton and will encourage the development of a wide range of RESIDENTIAL care and short-term facilities through appropriate recognition in the Zoning By-law;"

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Single & Double Residential" in the approved Gibson Neighbourhood Plan. The proposal does not conflict with the approved Neighbourhood Plan.

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority has no objection.
- The Hamilton-Wentworth Roads Department advises:

" There are public watermain and combined storm and sanitary sewers available to service these lands.

We have reviewed the above-noted application and provide the following comments with respect to Transportation aspects:

- 1) The existing road allowance width of Dunsmure Road is 15.24 m (50 ft.). Therefore, we do not anticipate any further road allowance widenings at this time.
- 2) The existing road allowance width of Proctor Boulevard is 21.3 m (70 ft.). However, at the intersection of Proctor Boulevard and Dunsmure Road there is a jog in the road which may be improved at some future date. In order to improve the alignment through this horizontal curve, the applicant should be advised of a possible future road widening triangle approximately 15 m by 2.5 m, as shown on the attached sketch.

It is unclear at this time whether the applicant intends to establish this use within the existing building or whether the structure will be removed and another constructed on this site. In any event, we recommend that the development of these lands exclude those lands identified for possible road widening purposes. Should there be any exterior changes to the building, we recommend that these lands be developed through site plan control.

- 3) According to plans submitted by the applicant, the existing concrete verandah and steps encroaches into the Dunsmuir Road allowance. Therefore, as a condition of zoning approval, we recommend that the applicant/owner enter into an encroachment agreement with the City of Hamilton for this verandah/step encroachment.
- 4) Any other works which may occur within the road allowances must conform to the City of Hamilton Streets by-law.
- 5) Comments from the City of Hamilton Traffic Department with respect to access etc, should be considered."

- The Department of Social Services advises:

"On two previous occasions, July, 1991, and May, 1992, the Social Services Department has not been supportive of requests for changes to be made by the Committee of Adjustment in relation to this home. Our response to this application for a zoning change remains the same.

This home is within 180 metres of at least four (4) other residential care facilities; the neighbourhood has a very heavy concentration of these facilities. Adding another one would not be in the best interest of the existing residents or for the potential residents of the home.

In addition to the above, there is no need for the establishment of another retirement home in the City or Region; the number of vacant beds in the system at the end of August was 227."

- The Traffic Department advises:

"The Zoning By-law requires a 9-residence retirement home to provide three paved parking spaces. While it would appear that the required parking can be provided on-site, based on the information supplied by the applicant, the Committee should be aware that virtually the entire rear yard will become a parking lot."

- The Building Department advises:

- "1. Parking spaces are required, one for every three persons accommodated and one for the dwelling unit. These parking spaces shall not be in the required front yard.
2. Manoeuvring spaces shall be provided.

3. There are at least four other such facilities known to be within 180m of this property.
4. There is presently an application (A-91:173) tabled before the Committee of Adjustment regarding this property."

- The City Clerk's Department (Licence Division) advises:

"The Licence Division has no objections to the above zoning application.

If the application is approved, the applicant must obtain a Second Level Lodging House Licence in accordance with the existing Second Level Lodging House By-law."

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan and the approved Gibson Neighbourhood Plan.
2. The proposal cannot be supported for the following reasons:
 - By-law 81-27 concerning the regulation of residential care facilities and short term care facilities was passed by Council January 13, 1981. The effect of the by-law is to permit such facilities in a broad range of commercial and residential districts with specific resident capacity limits in order to promote a residential, family-like atmosphere within the facility.

The subject lands are zoned "C" (Urban Protected Residential, etc.) District. A residential care facility in this zone with a maximum capacity of six residents is permitted. The applicants intend to establish a new residential care facility (retirement home) with nine residents.

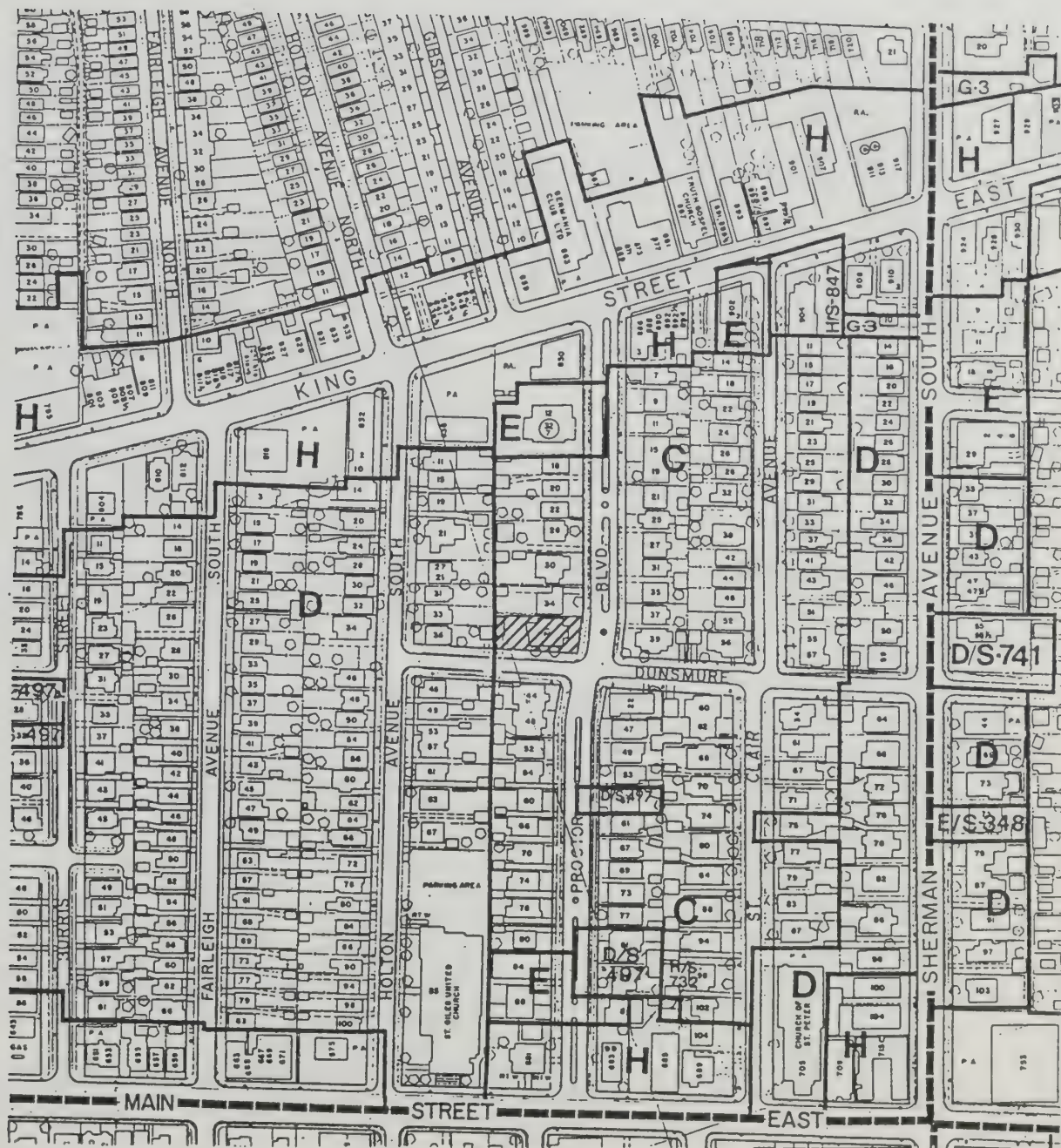
One of the primary goals of the Residential Care Facilities By-law is to provide the residents of such facilities with an opportunity to live in an environment that closely approximates a family situation. This proposal represents a 50% increase in the number of residents permitted in a "C" (Urban Protected Residential, etc.) District which, given the number of existing facilities in the area, is considered a significant departure from this goal.

- The Residential Care Facilities By-law requires a minimum radial separation distance of 180 metres between facilities to preserve the residential character of neighbourhoods. Both the Building Department and the Department of Social Services note that this facility is within 180 metres of at least four other residential care facilities. Recent discussions with the Social Services Department indicate that in fact, there are five residential care facilities operating within 180 metres of the subject lands (see Appendix "B"). Approval of this application would encourage other similar applications which, if approved, would further contribute to the existing over-concentration of such facilities in Gibson Neighbourhood. In this regard, the Department of Social Services has expressed concern regarding the "heavy concentration of the facilities" and that "Adding another one would not be in the best interest of the existing residents or potential residents of the home.";
- Approval of this application would encourage other similar applications which, if approved, would further contribute to the existing over-concentration of such facilities in Gibson Neighbourhood; and,
- The Department of Social Services questions the need for additional retirement home beds noting that there are 227 vacant beds in the system as of the end of August, 1992.

CONCLUSION:

Based on the foregoing, the application cannot be supported.

CLF/
ZA9240

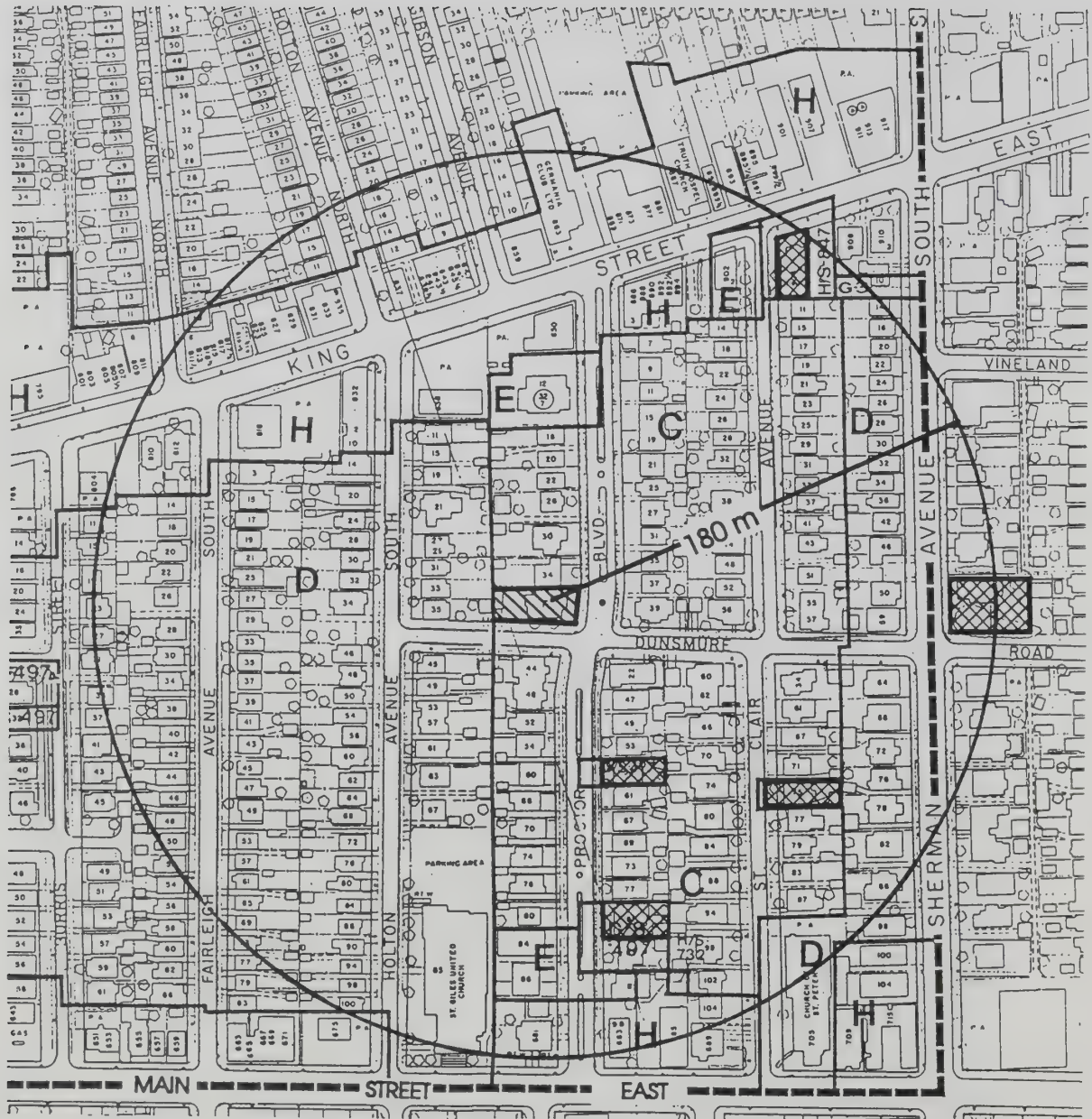


Legend



Site of the Application

ZA-92-40



Site of the Application



Residential Care Facilities
within 180 m

ZA-92-40

APPENDIX B



THE CORPORATION OF THE CITY OF HAMILTON
CITY CLERK'S DEPARTMENT
LICENCE DIVISION

City Hall, 71 Main Street West, Hamilton L8N 3T4

ORDER TO COMPLY

ISSUED TO:

NAME: FILOMENA RICCI
FRANK RICCI

DATE: NOV. 20/92

ADDRESS: 21 DUNSMUIRE

TIME: 2:18 P.M.

TAKE NOTICE: That in accordance with the City of Hamilton By-law 80-259 an inspection was conducted and the following violations were noted:

| SCHEDULE | SECTION | DETAILS OF VIOLATION |
|----------|-------------|---|
| | <u>2(1)</u> | <u>BY-LAW 80-259 AS AMENDED</u> |
| | | <u>OPERATE UNLICENSED LODGING HOUSE</u> |
| | | <u>(more than allowable occupants)</u> |

AND TAKE NOTICE FURTHER: That you as the OWNER-OPERATOR are hereby ordered to comply within 30 days of the date of this Order.

AND TAKE NOTICE FURTHER: That in default of compliance with the foregoing, you may be charged and will be liable upon conviction to the penalties provided by the said By-law.

ORDER RECEIVED BY

ORDER ISSUED BY

NAME: _____

NAME: D. E. BOYTER

SIGNATURE: _____

SIGNATURE: [Signature]

DATE: NOV. 20/92

DATE: NOV. 20/92

If you have any questions regarding this Notice, please contact the Inspection Division, at

STEVE DCMBE 546-2752

RECEIVED

NOV 17 1992

6.(a)
MICHAEL LIPNICKY JR.

CITY CLERKS

67 ST CLAIR AVE
HAMILTON ONTARIO
L8M-2N6

NOV. 16/92

PLANNING AND DEVELOPMENT COMMITTEE

DEAR COMMITTEE PERSONS:

I AM WRITING YOU THIS LETTER IN REGARDS TO APPLICATION # ZA-92-40 WITH A MEETING TO BE HELD ON WEDNESDAY DECEMBER 2/92 AT 10:45 AM. IN ROOM 233 OF CITY HALL. UNFORTUNATELY I HAVE TO WORK AND AM UNABLE TO ATTEND, BUT I WOULD LIKE MY VIEWS ON THIS APPLICATION STATED.

FIRST LET ME STATE THAT I AM NOT AGAINST MODIFYING HOMES TO MAKE THEM RESIDENTIAL CARE FACILITY'S (RETIREMENT HOMES) AS I DO BELIEVE THAT THEY ARE A NECESSARY ITEM IN TODAY'S SOCIETY, HOWEVER I AM OPPOSED TO THE WAY THAT THEY ARE DONE. PEOPLE WHO LIVE OUTSIDE OF OUR LARGE HOMED AREA, PURCHASE SINGLE FAMILY HOMES AND RENOVATE THEM, BRING IN TENANTS, THEN APPLY FOR A ZONING AMENDMENT FOR THE AREA TO ALLOW THEM TO OPERATE THEIR FACILITY IN OUR AREA. THEN THE CITY SENDS THEIR INSPECTORS TO THE LOCATION TO SEE THAT TENANTS ARE ALREADY LIVING IN THE FACILITY AND ALL THE APPROPRIATE BYLAWS AND HOUSING BYLAWS HAVE BEEN COMPLIED WITH AND THE RESIDENT MEETS ALL OF TODAY'S STANDARDS TO COMPLY WITH ZONING AMENDMENTS. SO THE PROCESSE

BEGINS. I KNOW THE PREVIOUS OWNER'S OF 21 DOWNSMURE
ROAD AND DO KNOW THAT I IS A SINGLE FAMILY DWELLING.

I BELIEVE THAT WHAT THESE PEOPLE ARE DOING IS
PUTTING THE CART IN FRONT OF THE HORSE. THEY DO
THEIR REPAIRS FIRST, MOVE PEOPLE IN, THEN APPLY
FOR AMENDMENTS AS IT WILL BE HARDER TO TURN THEIR
APPLICATION DOWN. WE HAVE TOO MANY OF MULTICARE
AND REFORM TYPE OF HOMES IN OUR AREA, AS OUR
SINGLE FAMILY HOME AREA IS BEING RECOMPOSED TO
A PEOPLE REBUILDING AREA BECAUSE WE HAVE LARGE
BEAUTIFUL HOMES.

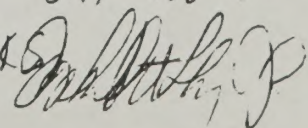
I WOULD LIKE TO SEE THIS APPLICATION
TURNED DOWN AND A STRONG MESSAGE SENT OUT
TO ALL PROSPECTIVE BUYER'S OF SINGLE FAMILY
HOMES THAT THEY HAVE TO APPLY FOR ZONING
AMENDMENTS FIRST, BEFORE ANY WORK OR

CHANGES TO THE HOME CAN BE DONE.

LET THE INSPECTORS SEE THE HOME AS IT REALLY
IS AND HAVE THE CHANGES DRAWN-UP AND EXPLAINED
FIRST BEFORE THEY ARE DONE.

I HAVE SEEN THIS PROCESS DONE TOO MANY TIMES IN
OUR AREA, AND THE AMOUNT OF ILLEGAL DUPLEXING
AND TRI-PLEXING IS VERY DISTURBING TO ME AND OTHERS
IN THE AREA WHO WANT OUR SINGLE FAMILY COMMUNITY
BACK.

PLEASE GIVE US BACK OUR SINGLE
FAMILY HOME COMMUNITY AND SAY NO TO
THIS AMENDMENT.

THANKS 

BEING I KNOW THE PREVIOUS COMES OF IT
AND I KNOW THAT I IS A SMALL PART
I BELIEVE THAT THAT THESE PEOPLE ARE NOT
WITHIN THE FIRST INTEREST OF THE HOUSE. THE
THEIR REQUESTS FIRST, AND THEN IN THE
THE PROPOSALS AS IT WILL BE HARD TO
REPRESENTATION. WE HAVE TO HAVE OF COURSE
AND RETURN THE OF THEM IN THE AREA, AS ONE
SMALL FAMILY HOME AREA IS BEING RECONSTRUCTED
A PEOPLE REBUILDING AREA BECAUSE WE HAVE
REBUILDING HOMES.

I WOULD LIKE TO SEE THE RECONSTRUCTION
TURNED OVER AND A STEADY MESSAGE SENT
TO ALL RESPECTIVE BODIES OF STATE
HOMES THAT THEY HAVE TO REPLY FOR SOME
ADVANCEMENTS FIRST, BEFORE ANY WORK

CHANGES TO THE HOME CAN BE DONE

LET THE PROJECTS SEE THE HOME AS IT
IS AND HAVE THE CHANGES DOWN-UP AND
FIRST BEFORE THEY ARE DONE

I HAVE SEEN THIS BEFORE TO BE DONE
ONE AREA AND THE AREA OF LOCAL BUSINESS
AND THE AREA IS VERY DISTANT TO THE
IN THE AREA WHO WANT TO SURE HOMEOWNERS
BACK

PLEASE GIVE US BACK OUR SMALL
FAMILY HOME (COMMUNITY) AND PUT IN
THIS RECONSTRUCTION
THANK YOU
[Signature]



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ACCOPRESS™



| | | |
|----------|-------|----------|
| YELLOW | 25070 | JAUNE |
| *BLACK | 25071 | NOIR* |
| *BLUE | 25072 | BLEU* |
| RL. BLUE | 25073 | RL. BLEU |
| *GREY | 25074 | GRIS* |
| GREEN | 25075 | VERT |
| RUST | 25078 | ROUILLE |
| EX RED | 25079 | ROUGE |

ACCO CANADA INC.
WILLOWDALE, ONTARIO

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CONSUMER FIBRE



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25 % DÉCHETS DE
CONSOMMATION

BALANCE OF PRODUCTS
25% RECYCLED

AUTRES PRODUITS:
25 % FIBRES RECYCLÉES

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